

conditions, in which he was happily successful. His work during the fourteen years of membership in the National House was marked by much that was laudable and valuable; but to this particular piece of legislation it was his special pride to refer.

Whenever one approaches the task of naming to those who are left behind and those who are to come the virtues and characteristics of one who has departed, there is always the danger of an overrating of the good and the asserting of facts which will not bear the light of time's continued rays. In the case of our departed colleague, however, the danger is lessened, if not actually removed, by the character of the man. Personally, he was all that the most rigid code could require. Publicly, he was a devoted servant of the people and one to whom the public trust was a sacred thing. Throughout all he was a gentleman, in the truest meaning of the word, and the State of Massachusetts has lost one whose memory will ever be revered, while we who are to carry on his work have lost an associate whose kindness and gentleness we shall long remember.

LEAVE TO PRINT.

Mr. FOSS of Massachusetts. Mr. Speaker, I ask unanimous consent that Members who desire to do so may have leave to print remarks on the late Mr. LOVERING for ten legislative days. The SPEAKER pro tempore. Is there objection? There was no objection.

ADJOURNMENT.

At 1 o'clock and 50 minutes p. m., in pursuance of the resolutions heretofore adopted, the House adjourned until Monday at 12 o'clock noon.

SENATE.

MONDAY, June 6, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an additional estimate of appropriation for distinctive paper for United States securities for the fiscal year ending June 30, 1911, \$23,097.50 (S. Doc. No. 604); which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 13468. An act to amend an act entitled "An act to establish a code of law for the District of Columbia;" and

H. R. 20370. An act authorizing the widening of Fifth street NE., in the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 7359) to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22390) to amend paragraph 5 of section 6 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia," etc., asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Michigan, Mr. PEARRE, and Mr. COX of Ohio managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 25552) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution:

S. 5. An act providing for the reappraisal of unsold lots in town sites on reclamation projects, and for other purposes; and

S. J. Res. 88. A joint resolution to enable the States of Oregon and Washington to agree upon a boundary line between said States where the Columbia River forms said boundary.

The message also transmitted to the Senate resolutions commemorative of the life and public service of Hon. William C. Lovering, late a Representative of the State of Massachusetts.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 7653. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 13468. An act to amend an act entitled "An act to establish a code of law for the District of Columbia;"

H. R. 18285. An act to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa;

H. R. 19403. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 20370. An act authorizing the widening of First street NE., in the District of Columbia;

H. R. 20490. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 21754. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the fiftieth anniversary of the battle of Gettysburg commission, praying for the enactment of legislation authorizing the cooperation and participation of Congress in the semicentennial anniversary of the battle of Gettysburg, July 1, 2, and 3, 1913, which was referred to the Committee on Military Affairs.

He also presented a petition of the General Assembly of the Presbyterian Church of the United States, praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

He also presented a petition of the Colorado African Colonization Company, praying for the enactment of legislation looking to the betterment of certain conditions existing in the Republic of Liberia, which was referred to the Committee on Education and Labor.

Mr. KEAN presented a petition of the Woman's Club of Orange, N. J., praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

He also presented a memorial of the Wesley Auxiliary, Woman's Home Missionary Society, of Paterson, N. J., remonstrating against the construction and maintenance of a railroad track in square 673, city of Washington, which was referred to the Committee on the District of Columbia.

He also presented a memorial of James B. McPherson Post, No. 52, Grand Army of the Republic, Department of New Jersey, of Hackensack, N. J., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented petitions of Local Grange No. 85, of Williamstown; of Local Grange No. 73, of Ewing; of Somerset Grange, No. 7, of Middlebush; of Local Grange No. 12, of Ringoes; of Local Grange No. 40, of Windsor; of Local Grange No. 147, of Wrightstown; of Local Grange No. 132, of Cold Spring; and of Local Grange No. 29, of Elmer, all of the Patrons of Husbandry, in the State of New Jersey, praying for the adoption of certain amendments to the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Windsor, N. J., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. NELSON presented a memorial of the Minnesota Commercial Federation, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Local Grange, Patrons of Husbandry, of Sullivan, Me., and a petition of Bear Mountain Grange, Patrons of Husbandry, of Waterford, Me., praying that

an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a memorial of Bear Mountain Grange, Patrons of Husbandry, of Waterford, Me., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Will County, Ill., praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Illinois, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. BURNHAM presented a memorial of sundry citizens of Concord, N. H., remonstrating against the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRISTOW presented a petition of sundry citizens of Plainville, Kans., and a petition of sundry citizens of Parsons, Kans., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the East End Suburban Citizens' Association, praying that an appropriation of \$3,000,000 be made for the erection of a national convention hall in the District of Columbia, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Liberty Chapter of the National Society Daughters of the American Revolution, of Tilton, N. H., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. SHIVELY presented petitions of the Indiana State Dairy Association, the Muncie Electric Company, and the Muncie Gear Company, and of the N. P. Boshier Company, of South Bend, all in the State of Indiana, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

Mr. PILES presented a petition of Lake Grange, No. 362, Patrons of Husbandry, of Seattle, Wash., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. CARTER presented a petition of the board of school trustees of Bozeman, Mont., praying that an appropriation be made for the extension of the field work of the Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. FLINT presented a petition of the Reading Club of Pacific Beach, Cal., praying that an investigation be made into the condition of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of California, praying for the enactment of legislation providing for the withdrawal of water from navigable streams for the purpose of irrigating arid lands, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Redlands, Cal., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT (for Mr. WETMORE), from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported an amendment providing for the enlargement of the Capitol Grounds, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (H. R. 25773) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors (Report No. 782);

A bill (H. R. 25185) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors (Report No. 783);

A bill (H. R. 25406) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors (Report No. 784);

A bill (H. R. 25822) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army, and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors (Report No. 785); and

A bill (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors (Report No. 786).

Mr. DIXON. I am directed by the Committee on Conservation of National Resources, to whom was referred the bill (S. 3719) for the appointment of a national commission for the conservation of natural resources, and defining its duties, to report it with an amendment. I give notice that at a later day I shall file a written report to accompany the bill.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. DIXON, from the Committee on Military Affairs, to whom was referred the bill (S. 4728) to remove the charge of desertion standing against the military record of Minor Berry, reported it with amendments and submitted a report (No. 788) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 24723) granting permission to the city and county of San Francisco, Cal., to operate a pumping station on the Fort Mason Military Reservation in California, reported it without amendment, and submitted a report (No. 789) thereon.

Mr. DIXON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7848) granting permission to the city and county of San Francisco, Cal., to operate a pumping station on the Fort Mason Military Reservation, in California, to report it without adverse recommendation, and I move that the bill be indefinitely postponed, as the House bill on the same subject has just been reported by me.

The motion was agreed to.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10280) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts, reported it with amendments and submitted a report (No. 787) thereon.

MISSOURI RIVER BRIDGES.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8426) to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of Arrow Rock, Mo., to report it favorably, without amendment, and I submit a report (No. 781) thereon. I invite the attention of the Senator from Missouri [Mr. WARNER] to the bill.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8425) to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of St. Charles, Mo., to report it favorably without amendment, and I submit a report (No. 780) thereon.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAYLOR:

A bill (S. 8531) to prevent trusts or combinations intended to restrain trade or commerce or to control the market value of

merchandise, produce, or commodities; to the Committee on Interstate Commerce.

By Mr. PURCELL (for Mr. McCUMBER):

A bill (S. 8532) for the relief of Charles M. Askegren and others (with an accompanying paper); and

A bill (S. 8533) for the relief of certain government contractors; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 8534) releasing the claim of the United States Government to Arpent lot 44, in the old city of Pensacola; to the Committee on Public Lands.

A bill (S. 8535) granting a pension to Rebecca V. Rooks; and

A bill (S. 8536) granting an increase of pension to Lorinda Herr; to the Committee on Pensions.

Mr. JOHNSTON. I present, for my colleague [Mr. BANKHEAD], who is absent from the Senate on account of sickness, three bills, which I ask may be read twice by their titles, and referred to the Committee on Claims:

The bill (S. 8537) for the relief of estate of James M. Alexander, deceased (with accompanying papers);

The bill (S. 8538) for the relief of heirs or estate of Grief S. Green, deceased (with an accompanying paper); and

The bill (S. 8539) for the relief of James W. Gilbreath (with an accompanying paper); were read twice by their titles, and referred to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 8540) granting an increase of pension to Julius Blesin (with accompanying papers); to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 8541) granting a pension to Ferdinand Imobersteg; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 8542) to authorize the Commissioners of the District of Columbia to make regulations defining the rate of speed of vehicles within the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

A bill (S. 8543) to acquire certain land in Petworth addition to the city of Washington, in the District of Columbia, as a public park; to the Committee on Public Buildings and Grounds.

By Mr. DICK:

A bill (S. 8544) granting an increase of pension to Benjamin F. Blackford; and

A bill (S. 8545) granting a pension to Anna M. Gladfelter; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 8546) granting an increase of pension to Joseph Marple (with accompanying papers); to the Committee on Pensions.

By Mr. PERCY:

A bill (S. 8547) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Miss.; to the Committee on Claims.

A bill (S. 8548) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. CLAPP:

A bill (S. 8549) to authorize the Secretary of the Interior to reserve certain lands from entry and settlement, and for other purposes; and

A bill (S. 8550) to authorize the Secretary of the Interior to classify, appraise, and dispose of certain lands on the Flathead Indian Reservation, Mont., under such rules as he may prescribe; to the Committee on Indian Affairs.

A bill (S. 8551) to authorize James D. Markham and Chauncey A. Kelsey and others to construct a dam across the St. Croix River between Minnesota and Wisconsin; to the Committee on Commerce.

A bill (S. 8552) granting an increase of pension to Charles H. Lamphier; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 8553) to enlarge the public building in the city of Raleigh, N. C. (with an accompanying paper); to the Committee on Public Buildings and Grounds.

By Mr. BAILEY (by request):

A bill (S. 8554) for the relief of G. C. Pickett; to the Committee on Claims.

By Mr. McENERY:

A bill (S. 8555) for the relief of the heirs or estate of Celestine Malveau, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 8556) to enlarge the United States building in the city of Raleigh, N. C.; to the Committee on Public Buildings and Grounds.

AGRICULTURAL ENTRIES ON COAL LANDS.

Mr. DIXON. I should like to have unanimous consent at this time for the consideration of the bill (H. R. 13907) to provide for agricultural entries on coal lands. The bill was reported three weeks ago from the Committee on Public Lands. I think there is no question of dispute concerning it. It has been passed by the House. It opens to entry an area of country about the size of Pennsylvania which has been withdrawn from agricultural entry. The department has recommended it, and the committees of both Houses have reported it favorably. The bill has already been read, and it would take only a few minutes to dispose of it.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent for the present consideration of House bill 13907.

Mr. HALE. Has the morning business been concluded?

The VICE-PRESIDENT. It has not.

Mr. HALE. I ask for the regular order.

The VICE-PRESIDENT. Objection is made.

OMNIBUS CLAIMS BILL.

Mr. SCOTT submitted two amendments intended to be proposed by him to the omnibus claims bill, which were ordered to lie on the table and be printed.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FLINT submitted an amendment proposing to appropriate \$12,500 to enable the Secretary of War to make further surveys for continuing the improvement of St. Michael Canal, Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$25,000 for the care, maintenance, and improvement of the Platt National Park, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

VALUATION OF RAILROAD PROPERTY.

Mr. SIMMONS. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill. It is very short, and I will ask consent that it be read.

The proposed amendment was read, ordered to be printed, and referred to the Committee on Appropriations, as follows:

Insert as a new paragraph the following:

"To enable the Interstate Commerce Commission to ascertain and determine the value of the property of any transportation company subject to the act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, when, in the judgment of the commission, such determination is necessary for the just decision of any matter in controversy involving the reasonableness of a rate, charge, or classification, or the reasonableness of a proposed increase of a rate, charge, or change of classification, \$100,000."

PRESERVATION OF FUR SEALS.

Mr. DIXON. Some days ago the testimony taken before the Committee on Conservation of National Resources regarding the preservation of fur seals was ordered to be printed. Accompanying the testimony there is a map showing the migration of the seals during certain seasons. It is very important to have it printed in view of the many inquiries for copies of the hearing, and I ask for the adoption of the following order.

The order was read, as follows:

Ordered, That the map and illustrations accompanying the report of testimony before the Committee on Conservation of National Resources pertaining to the bill (S. 7242) to protect the fur seals be printed with the testimony taken at the hearing before said committee.

Mr. SMOOT. I should like to ask the Senator from Montana whether that applies only to the printing of the hearing for the use of the committee.

Mr. DIXON. It does.

Mr. SMOOT. Then I have no objection to it.

The order was agreed to.

COURT OF COMMERCE, ETC.

Mr. CLAPP. I ask that the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, be printed as a Senate document. (S. Doc. No. 606.) I ask that it be printed in three parallel columns: First, the Senate bill as reported to the Senate; second, the Senate bill as ordered to a third reading by the Senate; and, third, the House bill No. 17536 as passed by the House of Representatives.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the order is entered.

NAVIGATION REGULATIONS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 7359) to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Section 1, in the fourth line thereof, after the word "steam," strike out the words "and sail vessels using auxiliary power."

In the last line of section 1, after the word "steam," strike out the words: "This act shall not apply to nonnavigable waters."

Section 3, after the word "long" at the end thereof, strike out the period and insert a colon and the following: "Provided, That motor boats as defined in this act, when propelled by sail and machinery or under sail alone, shall carry the colored lights suitably screened but not the white lights prescribed by this section."

Section 5, in the first line thereof, strike out the words: "of class two or three."

In the fourth line of section 5, after the word "carry," insert the word "either;" after the word "life-preservers" insert the word "or;" after the word "belts" insert the word "or;" and in the fifth line of said section 5, after the word "buoys" insert the words: "or other device, to be prescribed by the Secretary of Commerce and Labor."

Section 9, after the word "repealed," at the end thereof, strike out the period and insert a colon and the following: "Provided, That nothing in this act shall be deemed to alter or amend acts of Congress embodying or revising international rules for preventing collisions at sea."

J. H. GALLINGER,
GEO. C. PERKINS,
JAMES P. CLARKE,

Managers on the part of the Senate.

WM. S. GREENE,
W. E. HUMPHREY,
J. W. ALEXANDER,

Managers on the part of the House.

The report was agreed to.

CLAIMS OF OMAHA INDIANS.

Mr. BROWN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4179) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter proposed insert the following:

"That jurisdiction is hereby conferred upon said Court of Claims to hear and determine all claims of the Otoe and Missouria Indians of whatsoever nature which either or both of said tribes of Indians may have or claim to have against the United States, with the right of appeal to the Supreme Court of the United States by either party, for the determination of the amount, if any, due either of said tribes from the United States under any treaties or laws of Congress or the unexecuted stipulations of any treaties or for the misappropriation of any of the funds of either of said tribes for purposes not for their material benefit or for the failure of the United States to pay either of said tribes any money due;" and the House agree to the same.

NORRIS BROWN,
GEO. SUTHERLAND,
W. E. PURCELL,

Managers on the part of the Senate.

P. P. CAMPBELL,
BIRD MCGUIRE,
J. P. LATTA,

Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 25552. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LEAVES OF ABSENCE TO STOREKEEPERS, GAUGERS, ETC.

The VICE-PRESIDENT. Is there further morning business? If not, morning business is closed.

Mr. BRADLEY. I ask unanimous consent for the present consideration of the bill (S. 5035) granting cumulative annual leave of absence to storekeepers, gaugers, and storekeeper-gaugers, with pay.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that storekeepers, gaugers, and storekeeper-gaugers shall be granted a cumulative annual leave of absence, with pay, not to exceed in the aggregate fifteen days for any one year or portion of a year when they are actually assigned to duty, the leave to be operative under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SCOTT. Mr. President, I ask unanimous consent for the present consideration of a number of pension bills on the calendar. On account of the lateness of the session, unless the bills are promptly passed, it will probably be impossible for us to get them over to the House and secure action. I have been waiting now for two or three weeks while the railroad bill has been under consideration, and I hope there will be no further delay in passing these bills.

I first ask unanimous consent for the present consideration of the bill (S. 8400) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension the following-named persons at the rates stated:

Elijah F. Smith, late of Company I, Eighty-first Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Daniel B. Elkin, late of Battery B, Kentucky Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

Spencer M. Hillebert, late of Company A, Thirty-second Regiment, and Company A, Sixteenth Regiment, Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Adella Dittman, widow of John F. Dittman, late of Company F, Thirty-fifth Regiment Indiana Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

Helen L. Ruger, widow of Thomas H. Ruger, late major-general, United States Army, \$30 per month in lieu of that she is now receiving.

Henry Wren, late of Company K, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Rachel M. Hunt, widow of John M. Steck, late captain Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, \$12.

William B. Drake, late of Company C, One hundred and eighty-fifth Regiment New York Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Francis M. Watkins, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Samuel W. Brewer, late first lieutenant Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Viall A. Putnam, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Joseph A. Street, late of Company E, Nineteenth Regiment Iowa Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Lorenzo P. Duncklee, late of Company C, Fourth Regiment New Hampshire Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

John T. Waples, late of Company E, First Regiment Indiana Volunteer Heavy Artillery, \$24 per month in lieu of that he is now receiving.

Frank B. Miller, late of Company B, Sixteenth Regiment, and Company G, Twentieth Regiment, Maine Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Guy Glessner, helpless and dependent child of Peter Glessner, late of Company E, Cass County (Mo.) Home Guards, \$12.
Jacob M. Corwin, late of Battery G, Third Regiment United States Artillery, \$24 per month in lieu of that he is now receiving.

Richard Douglass, late of Company B, Twenty-second Regiment Kentucky Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry Dean, late of Company G, Tenth Regiment Ohio Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Winfield S. King, late of Company I, Eleventh Regiment, and Company E, Tenth Regiment, West Virginia Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William A. Rose, late of Battery E, First Regiment Rhode Island Volunteer Light Artillery, \$24 per month in lieu of that he is now receiving.

Daniel M. Yeager, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Cyrus Trough, late of Company C, Sixth Regiment West Virginia Infantry, \$24 per month in lieu of that he is now receiving.

Allen Baker, jr., late captain Companies E and B, First Regiment Rhode Island Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Horace Worthington, late of Company B, Twenty-sixth Regiment Connecticut Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Mary A. Parker, widow of Sylvester G. Parker, late of Company C, Thirty-third Regiment Illinois Volunteer Infantry, and captain Company H, Sixty-third Regiment Illinois Volunteer Infantry, \$20 per month in lieu of that he is now receiving.

William H. Hornaday, late of Company F, Sixty-third Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Kate B. Jarvis, widow of William L. Jarvis, late of Company F, Fifty-third Regiment Illinois Volunteer Infantry, and first lieutenant Company G, Forty-ninth Regiment United States Colored Volunteer Infantry, \$20 per month in lieu of that she is now receiving.

James Justus, late of Company A, Twenty-fifth Regiment Ohio Volunteer Infantry, and captain Company F, One hundred and twenty-eighth Regiment United States Colored Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Jonathan D. Butler, late of Company H, First Regiment Michigan Volunteer Engineers and Mechanics, \$36 per month in lieu of that he is now receiving.

Henry W. Hale, late of Company C, Sixteenth Regiment Iowa Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Orlando Spurbach, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, \$24 per month in lieu of that he is now receiving.

Elizabeth A. Bassett, widow of Ezra Bassett, late acting ensign, United States Navy, \$20 per month in lieu of that she is now receiving.

Peter Riddle, late of Company C, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William M. Thomas, late of U. S. S. *Princeton*, *Albatross*, and *Susquehanna*, United States Navy, \$24 per month in lieu of that he is now receiving.

Mathias Skarison, alias Mattes Matteasen, late of Company A, Fortieth Regiment Missouri Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Benjamin Carter, late of Company C, Two hundred and third Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

William R. Mitchell, late of Company H, Twelfth Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John Bedford, late of Company A, Fourth Regiment California Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

David F. Bradburn, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, \$24 per month in lieu of that he is now receiving.

James Haley, late of Company D, Thirteenth Regiment New York Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Aaron Chandler, late first lieutenant Company A, One hundred and thirty-third Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Samuel K. McGinnis, late of Company B, First Regiment Pennsylvania Reserve Volunteer Light Artillery, \$30 per month in lieu of that he is now receiving.

William Posey, late of Company G, First Regiment, and unassigned, Third Regiment, Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles Shelly, late of Company E, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John Ruble, late of Company A, Third Regiment West Virginia Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Mattice Shafer, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John H. Case, late of Company E, Ninth Regiment Indiana Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Emily A. Capron, widow of Charles C. Capron, late of Company C, First Regiment Rhode Island Volunteer Cavalry, \$20 per month in lieu of that she is now receiving.

Francis M. Work, late captain Company C, First Regiment West Virginia Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

Charles E. Bells, late of Company G, Second Regiment Missouri Volunteer Light Artillery, \$24 per month in lieu of that he is now receiving.

Hugh Bailey, alias Brady, late of Company E, Twenty-fourth Regiment Michigan Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Augustus B. Conard, late of Company E, First Regiment New Jersey Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Sanford D. Van Pelt, late first lieutenant Company A, Seventh Regiment Kentucky Volunteer Cavalry, \$30 per month in lieu of that he is now receiving.

James E. Wood, late of Company A, First Regiment Kentucky Volunteer Cavalry, \$50 per month in lieu of that he is now receiving.

John Sigman, late of Company B, Fourth Regiment Kentucky Volunteer Mounted Infantry, \$24 per month in lieu of that he is now receiving.

Wilson A. Martin, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

John Miller, late of Company G, One hundred and twenty-fifth Regiment, and Company D, One hundred and ninety-second Regiment, Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Martha H. Aldrich, widow of Joseph A. Aldrich, late acting assistant surgeon United States Army, \$12.

James Patterson, late of Company F, Fourth Regiment West Virginia Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Minnie L. White, widow of Daniel M. White, late of Company E, First Regiment New Hampshire Volunteer Cavalry, and major and assistant inspector-general, Second Division Fourth Army Corps, \$20 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of said Daniel M. White until they reach the age of 16 years.

Hugh Macauley, late of Company C, and first lieutenant and regimental quartermaster Eighth Regiment Wisconsin Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

James B. Vaughan, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, \$24 per month in lieu of that he is now receiving.

Henry V. Klock, late of Company C, Ninety-fourth Regiment, and Company D, One hundred and eighty-sixth Regiment, New York Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Herbert F. Wood, late of Thirteenth Battery, Wisconsin Volunteer Artillery, \$24 per month in lieu of that he is now receiving.

Lydia R. S. Woodbury, widow of William W. Woodbury, late first lieutenant Company K, Second Regiment Minnesota Volunteer Infantry, \$25 per month in lieu of that she is now receiving.

Wesley B. Sultz, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Oscar D. Brown, late of Fourth Battery, Indiana Volunteer Light Artillery, \$24 per month in lieu of that he is now receiving.

Joseph P. Josselyn, late of Company E, Second Regiment Ohio Volunteer Infantry; Company B, Mississippi Marine Brigade Volunteer Cavalry; and Company I, Mississippi Marine Brigade Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Eliza McGuire, widow of Fulton McGuire, late of Company G, Thirty-fourth Regiment United States Colored Volunteer Infantry, \$12.

Carlos W. Carr, late of Company E and first Lieutenant Company F, Fourth Regiment Vermont Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

William H. Appleton, late of Company I, Second Regiment New Hampshire Volunteer Infantry, and captain Company H, Fourth Regiment United States Colored Volunteer Infantry, \$40 per month in lieu of that he is now receiving.

Helen G. Evans, widow of Ira C. Evans, late second chief musician, Twelfth Regiment New Hampshire Volunteer Infantry, \$16 per month in lieu of that she is now receiving.

Enoch T. Hanson, late of Company K, Eleventh Regiment New Hampshire Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Charles H. Hilton, late of Company F, Thirteenth Regiment Maine Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Lewis A. Doane, late of Company D, Eighty-third Regiment Pennsylvania Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Bennett B. Fuller, late of Company F, Thirteenth Regiment Maine Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Henry S. Wilkinson, late of Company D, Eighteenth Regiment Iowa Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Benjamin Clow, late of Battery C, Chicago Volunteer Light Artillery, and Battery B, First Regiment New York Volunteer Light Artillery, \$24 per month in lieu of that he is now receiving.

Phendeus H. Potter, late of Company D, Ninth Regiment New Hampshire Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Even Joseph Cameron, late of Company A, Second Regiment Massachusetts Volunteer Heavy Artillery, \$30 per month in lieu of that he is now receiving.

Abiel Cheney, late of First Battery, Vermont Volunteer Light Artillery, and First Company Vermont Volunteer Heavy Artillery, \$40 per month in lieu of that he is now receiving.

Thompson R. Brady, late of Company F, One hundred and first Regiment Indiana Volunteer Infantry, \$30 per month in lieu of that he is now receiving.

Edward S. Scott, late of Company H, Sixteenth Regiment Massachusetts Volunteer Infantry, \$24 per month in lieu of that he is now receiving.

Ella R. Mattocks, widow of Charles P. Mattocks, late colonel Seventeenth Regiment Maine Volunteer Infantry, and brigadier-general United States Volunteers, war with Spain, \$50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCOTT. I now ask unanimous consent for the present consideration of the bill (H. R. 24739) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

Mr. BAILEY. Mr. President—

Mr. SCOTT. I will say to the Senate that there are five of these pension bills, and if Senators will have patience for only a few moments we will do justice to these old soldiers and their widows, and clear the calendar.

Mr. BAILEY. I will give the Senator a few moments with the understanding that I may then get a few moments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 11, after line 7, to strike out:

The name of Barbara A. Bauman, former widow of Charles F. Helder, late of Troop I, Fourth Regiment United States Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to strike out:

The name of Margaret Crowley, widow of Jeremiah Crowley, late of Company C, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

Mr. BURKETT. Mr. President, I hope that amendment will not be agreed to. This is a pension for a widow who is in a very serious condition; in fact, at times she has been confined in a state institution. I have a number of affidavits here relating to the case. The report of the House committee is quite lengthy. They gave it considerable investigation—

Mr. SCOTT. I am willing that the amendment be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. CURTIS. Mr. President, on page 19, line 24, I move to strike out the word "forty" and to insert in lieu thereof the word "fifty."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, line 24, before the word "dollars," it is proposed to strike out "forty" and in lieu thereof to insert "fifty," so as to read:

The name of R. H. L. Smith, late of Company I, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company D, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SCOTT. I now ask unanimous consent for the present consideration of the bill (H. R. 24137) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

Mr. BACON. Mr. President, my attention was not directed to the particular number of the bill. I want to inquire of the Senator from Utah [Mr. Smoot], who I understand is in charge of the bill—

The VICE-PRESIDENT. The Senator from West Virginia [Mr. Scott] is in charge of the bill.

Mr. BACON. The Senator from Utah is familiar with the fact that I desire to make an inquiry about. Does this bill include those matters that came over from the House?

Mr. SMOOT. I ask that the Secretary state the number of the bill now before the Senate.

The SECRETARY. House bill 24137.

Mr. SMOOT. I will state to the Senator from Georgia that the bill in which he is interested is calendar No. 636, and the one in which his colleague, the junior Senator from Georgia [Mr. CLAY], is interested is calendar No. 635. This is not the bill.

Mr. CLAY. I have calendar No. 635 before me now.

Mr. SCOTT. Those bills will be called up later.

Mr. SMOOT. Yes; they will be called up later.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, on page 24, after line 11, to strike out:

The name of Eli Ambers, late of Company C, Second Regiment New Jersey Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I now ask unanimous consent for the present consideration of the bill (H. R. 22637) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, after line 5, to strike out:

The name of John G. Patton, late of Company D, First Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month.

Mr. SMOOT. I ask that the amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 2, after line 11, to strike out:

The name of Arthur T. Whipple, late of Third Company United States Volunteer Signal Corps.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to strike out:

The name of William Canaday, late of Company G, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$17 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out:

The name of Albert E. Longman, late of Hospital Corps, United States Army, war with Spain.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to strike out:

The name of Biddy Lockwood, dependent mother of James F. Lockwood, late of Company F, First Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 19, before the word "dollars," to strike out "twenty" and insert "thirty;" so as to make the clause read:

The name of John A. Rafter, late major and surgeon Twentieth Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 24744) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 7, to strike out:

The name of Mary L. Nadeau, widow of Sylvan Nadeau, late of Company A, Third Regiment United States Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the four minor children of said Sylvan Nadeau until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to strike out:

The name of John L. Thorpe, late of Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of \$12 per month.

Mr. BROWN. I move that the amendment in lines 14, 15, and 16 in respect to John L. Thorpe be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. KEAN. What is the amendment?

Mr. SCOTT. Wait just a minute. Wait until we have had time to look up the reason why we struck that out.

Mr. BROWN. I find on examination of the report of the House committee that it went all over the testimony with respect to this young man, who served in the Spanish trouble, and the pension proposed by the House committee is only \$12 a month. I am at a loss to understand why it should be denied. I hope the amendment will be disagreed to.

Mr. SMOOT. The report says:

The medical examination under the first claim for pension was made July 2, 1902. The report thereof shows that the claimant was then 26 years of age, 5 feet 9½ inches in height, and weighed 163 pounds. No disability was found from any affection, whether alleged or not. There was even no complaint at that time of any affection of the nervous system.

The testimony shows beyond a question, Mr. President, that this if allowed will be purely a service pension, nothing more or less, and the Senate has always refused to allow such a pension. I ask that the amendment be agreed to as reported.

Mr. BROWN. The report of the committee of the House gives in detail all the testimony of the several examinations. It finds, and so reports, that on the testimony, the claimant's service is sufficiently well established to justify the allowance of the pension, and it recommends \$12 a month. I do not think we ought to reverse the finding of the House committee on the

testimony which they had before them and on which they passed favorably, on the mere statement of the Senator from Utah that he does not think it is sufficient to warrant a pension of \$12 a month.

Mr. SMOOT. I do not want the Senator to say that it is on the mere statement of one Senator. It is the unanimous report of the Committee on Pensions of the Senate, and I read from the report of the House. The Senate committee finds that it would be purely a service-pension bill, and if this is allowed, I want to say to the Senate now that there will be thousands and thousands of similar requests presented to the Senate which would come under the same rule.

The VICE-PRESIDENT. The amendment is to strike out the clause. The question is on agreeing to the amendment. [Putting the question.] By the sound the "ayes" have it. The "ayes" have it, and the amendment is agreed to.

Mr. SMOOT. I think there was some misunderstanding as to the vote.

The VICE-PRESIDENT. The question was on agreeing to the committee amendment, which was to strike out.

Mr. LODGE. And the amendment was agreed to.

Mr. BROWN. I would be glad to have the question put again. My motion is to disagree to the amendment of the committee.

Mr. LODGE. The other motion takes precedence.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. For what purpose does the Senator rise?

Mr. BURKETT. I wish to say a word before the motion is put.

The VICE-PRESIDENT. Let us get it straightened out as to what the motion is. The question is on agreeing to the committee amendment, which, as the Chair understands it, is to strike out a portion of the bill.

Mr. GALLINGER. That is right.

Mr. KEAN. And therefore those opposed to the pension who voted "aye" voted to strike it out.

The VICE-PRESIDENT. Certainly.

Mr. SMOOT. The Senate committee reports an amendment to strike it out, and if the motion of the Senator from Nebraska—

The VICE-PRESIDENT. The proposition was put on the amendment of the committee to strike out—

Mr. SMOOT. Oh!

The VICE-PRESIDENT. And the Chair announced that the "ayes" had it.

Mr. BURKETT. There seems to be a difference of opinion. The committees differed in their opinion on it. I think the vote ought to be taken again.

The VICE-PRESIDENT. The Chair is entirely willing to put the vote again if there is any misunderstanding.

Mr. BURKETT. I should like to say a word in reference to this matter.

Mr. BEVERIDGE. Before the Senator speaks will he permit me to inquire what is the language which the committee recommends be stricken out?

The VICE-PRESIDENT. The Secretary will again report the committee amendment.

The SECRETARY. On page 2 the committee proposes to strike out all of lines 14, 15, and 16, as follows:

The name of John L. Thorpe, late of the Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of \$12 a month.

Mr. BURKETT. On this amendment I wish to say a word. This man John N. Thorpe, whose pension is proposed to be stricken out, was a soldier in the Spanish war. The report in the House of Representatives was very full. I have that report before me, and there are two pages of it. It is an unusually long and complete report.

The evidence as therein given shows that the soldier had typhoid fever during his service and was confined to the hospital. He applied for a pension after he was out of the service, which was not allowed for the reason that he did not show a pensionable disability, as the report says. It went along until 1908. To be sure, the first report showed no pensionable disability, as I have said, and for that reason the claim was disallowed. I agree to that. But in 1906, first, Doctor Griffin, the surgeon in the army under whom this soldier served, made an affidavit, after a medical examination, in which he says. I quote from the report—

That upon examination at that time he found him suffering from muscular rheumatism and dilatation of the heart and its sequences, dizziness and palpitation.

In another affidavit, filed in January, 1907, Doctor Griffin stated that the claimant was suffering from typhoid fever and general neurasthenia at the time of his discharge from service.

These two affidavits show that the soldier was suffering from these diseases at the time he was discharged, and also what he was suffering from at the time the doctor made this affidavit. It shows not only a disability at the time of discharge from service, but that it has continued since.

But the report shows continued disability down to last December. Let me read a little further:

Dr. F. D. Haldeman stated in affidavit executed December 27, 1909, that he had that day examined Mr. Thorpe and found his condition as follows: Tenderness and rigidity of lumbar muscles, slight roughness in shoulder and kneejoints, and external hemorrhoids, ulcerated and bleeding. The witness expressed the opinion that from these causes the soldier was then three-fourths disabled for the performance of manual labor.

There are other affidavits from other doctors between these two that I have quoted, all going to show a continuing disability—one by Dr. C. S. Minnick was filed in 1906 and another by Dr. J. C. Wright was filed in 1907.

I have here a letter from the father of this young man which I received only a few days ago, and I will read that part of it pertaining to this case:

I have a letter from our Congressman saying that the Senate Committee on Pensions has cut out my son, J. L. Thorpe. He is in a desperate way, can do no work, and has a wife and child, and I am very anxious to see this go through.

This brings the case down to date practically.

The House committee allowed only \$12 per month, which is a very small pension, and they made a very thorough examination of the case, as stated by my colleague. The House of Representatives passed the bill because of these affidavits to which I have referred. They believed it was a worthy case. After reading that report and this letter from the young man's father I am sure there can be no question but what this young man is in a desperate way physically. He has a wife and child to support. The record shows he was taken out of the army, discharged, when he was suffering with typhoid fever and neurasthenia. As I called attention to the fact a moment ago, the affidavits show that he had a disability when he was discharged, and that it has been a continuing disability, resulting from that army service.

It seems to me a pension of \$12 for a soldier in such condition is not excessive, and, in fact, most deserving. I therefore hope the amendment will not be agreed to, but that the pension will be allowed as it passed the House of Representatives.

Mr. GALLINGER. I should like to inquire of the Senator from Utah as to the length of time this man served.

Mr. SMOOT. He served in the Hospital Corps from July 29 to September 19, 1898—not two months.

Mr. GALLINGER. He was enlisted—

Mr. SMOOT. He did not serve two months. He was discharged from the corps on the application of his father.

Mr. GALLINGER. Was he discharged for disability?

Mr. SMOOT. He was suffering at the time from typhoid fever, or had had an attack.

Mr. BURKETT. He was in the hospital at that time, sick and suffering. His father made application to get him out because he was suffering, and he was discharged. He probably would have died if he had left him there in the hospital, as many others did.

Mr. GALLINGER. I have forgotten some of the pension laws, with which I was very familiar when I was on the committee. I will ask the Senator from Utah if the act of June 27, 1890, applies to a soldier of the Spanish war? I think it does not.

Mr. SMOOT. It does not.

Mr. GALLINGER. Under that law we granted a service pension to all soldiers who served in the civil war if they had ninety days' service, and in a very large number of cases we waived the length of service by special act. It is true this soldier does not come under that act, but if the soldier was regularly enlisted and had a disease that incapacitated him, and he was dismissed for that cause, it does seem to me that we ought not to stick in the bark about giving this young man in his bad condition, which, I presume, is unquestioned now, the paltry sum of \$12 a month, considering what we have done heretofore in matters somewhat similar.

I shall vote to retain the item in the bill, although I dislike exceedingly to differ from the Senators who are on the committee.

Mr. SMOOT. The Senator complains of this being a small pension—\$12 a month. It is a great deal more than many, many of the soldiers of the civil war are drawing to-day.

This man made application for a pension, and his first examination was held July 2, 1902. That was four years after his father had secured his release from the Hospital Corps. The report of the medical examination says:

The report thereof shows that the claimant was then 26 years of age, 5 feet 9½ inches in height, and weighed 163 pounds. No disability

was found from any affection, whether alleged or not. There was even no complaint at that time of any affection of the nervous system.

It does seem to me, Senators, that if we are to pay this man a pension there will be thousands of cases based upon the same kind of action and testimony as is this.

Mr. GALLINGER. I wish our pension legislation—and I have some knowledge of it—was as free from what I think is favoritism as it would be if we passed a good many bills similar to this one. I believe that this young man, having contracted disease in the army and having been dismissed when he was in a state of health where he could not serve—

Mr. BURKETT. Dimissed from the hospital.

Mr. GALLINGER. From the hospital—is much more entitled to a pension than a great many of the thousands of men who are to-day on the rolls, and I could easily enumerate them if I would take the time to do it.

Mr. SMOOT. I will say to the Senator there is not one particle of evidence showing in any way that the trouble he is suffering with to-day is of service origin.

Mr. GALLINGER. Oh, well, Mr. President, that is true of nearly a hundred thousand men who are on the roll under the act of June 27, 1890. We never required that they should show that they had incurred any disability in the army. We simply put them on the rolls because of service covering ninety days, and there are, I think, 100,000 of them.

Mr. SMOOT. You are speaking of the age limit?

Mr. GALLINGER. No; I am speaking of the regular act of June 27, 1890.

Mr. BROWN. The record shows that this young man was in good health when he enlisted; that he went to Chickamauga; that he was taken sick with typhoid fever and was taken to the hospital, and discharged by reason of the sickness thus incurred.

Mr. SMOOT. The whole service was not two months.

Mr. BROWN. If the Government should not pay a pension in this case, it should not pay any pensions at all.

Mr. SMOOT. I say that the whole period of service, if service it can be called, was two months.

Mr. BROWN. He was in the hospital nearly all the time. It was all the service he could give. He went there a well man.

Mr. SCOTT. Let us have a vote.

The VICE-PRESIDENT. Senators have a right to debate.

Mr. SCOTT. I think we are all through.

The VICE-PRESIDENT. The Senator from Nebraska has now surrendered the floor. That there may be no misunderstanding, the Chair will state that the question is on agreeing to the amendment of the committee, and that is to strike out this provision from the bill.

The amendment was rejected.

The next amendment of the Committee on Pensions was, on page 2, after line 16, to strike out:

The name of Samuel Mailhoit, late of Company B, Seventh Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$16 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to strike out:

The name of Daniel Nagle, jr., late of Company B, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and captain Company D, Sixth Regiment Pennsylvania Volunteer Infantry, and captain Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and colonel One hundred and seventy-third Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 12, to strike out:

The name of Marion W. Harris, late captain Company A, Third Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

Mr. SMOOT. I hope the Senate will disagree to the amendment.

The amendment was rejected.

The next amendment was, on page 4, line 12, after the word "Infantry," to insert "Florida Indian war," so as to make the clause read:

The name of James H. Dinning, late of Captain Henry's company, Second Regiment Tennessee Volunteer Infantry, Florida Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 25, after the word "Legion," to insert "Utah Indian disturbances," so as to make the clause read:

The name of Alexander Cowan, late of Capt. Lyman L. Stevens's company, Col. George A. Smith's regiment of cavalry, Nauvoo Legion, Utah Indian disturbances, and pay him a pension at the rate of \$8 per month.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of Helen P. Laird, widow of Charles Laird, late lieutenant-commander, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SCOTT. I ask for the consideration of the bill (H. R. 24148) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, after line 5, to strike out:

The name of Mayme E. Lacourciere, widow of Joseph W. Lacourciere, late of Company M, Second Regiment Wisconsin Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of said Joseph W. Lacourciere until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 10, before the word "dollars," to strike out "twelve" and insert "eight," so as to make the clause read:

The name of Lawrence A. Bagby, late of Company A, Fifth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$8 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out:

The name of Antonia Feldman, widow of Frederick W. Feldman, late of Troop H, First Regiment United States Cavalry, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of each of the minor children of said Frederick W. Feldman until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to strike out:

The name of Rachel Savage, widow of Leven Savage, late of Capt. James Gholson's company, Kentucky Militia, war of 1812, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to strike out:

The name of Thomas H. Rawls, late of Anderson's battery, South Carolina Volunteer Heavy Artillery, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to strike out:

The name of Denver D. Barnes, late of Troop M, Eleventh Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 2, after the words "United States Navy," to insert "war with Spain," so as to make the clause read:

The name of James Bond, late of U. S. S. St. Paul, United States Navy, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to strike out:

The name of Harriet P. Lemly, widow of Samuel C. Lemly, late lieutenant-commander, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I ask for the present consideration of the bill (H. R. 23376) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to the widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, after line 14, to strike out:

The name of Frank B. Gray, late of Company M, First Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to strike out:

The name of Kayeton Stravink, late of Ordnance Department, United States Army, and pay him a pension at the rate of \$40 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I ask for the present consideration of the bill (H. R. 24450) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 12, after line 17, to strike out:

The name of Henry V. Whitehead, late of Company B, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 1, before the word "dollars," to strike out "thirty-six" and insert "forty;" so as to make the clause read:

The name of James C. Kellar, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 23, line 20, before the word "dollars," to strike out "thirty" and insert "fifty," so as to make the clause read:

The name of Barnett Boyles, late of Company B, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 23, line 24, before the word "dollars," to strike out "thirty" and insert "fifty," so as to make the clause read:

The name of William Graham, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SCOTT. I ask for the present consideration of the bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors.

The bill was considered by the Senate as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Ethel M. Hoffman, widow of Marvin G. Hoffman, late of Company E, Second Regiment Ohio Volunteer Infantry, war with Spain, \$12, and \$2 per month additional on account of each of the minor children of said Marvin G. Hoffman, until they reach the age of 16 years.

Lillie Warburton, widow of James H. Warburton, late of Company H, First Regiment New Hampshire Volunteer Infantry, war with Spain, \$12, and \$2 per month additional on account of each of the minor children of said James H. Warburton, until they reach the age of 16 years.

John F. Burrows, late of Company F, Two hundred and second Regiment New York Volunteer Infantry, war with Spain, \$20.

George W. McKelvey, late of Battery L, First Regiment United States Artillery, war with Spain, \$12.

Vern W. Shrader, late of Company G, Fifty-first Regiment Iowa Volunteer Infantry, and Troop B, Eleventh Regiment United States Volunteer Cavalry, war with Spain, \$20.

John Broshard, late of Company D, Thirteenth Regiment United States Infantry, \$16.

John H. Meers, late of Company E, Fourth Regiment United States Infantry, \$10.

John H. Booth, late of Troop G, Eleventh Regiment United States Cavalry, war with Spain, \$24.

Harry M. Dunkin, late of Company E, Seventh Regiment United States Infantry, war with Spain, \$50 per month in lieu of that he is now receiving.

Bert Overly, late of Company E, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, war with Spain, \$12.

Anna L. Adams, widow of Milton B. Adams, late colonel, Engineer Corps, United States Army, \$30.

James A. Berry, late of Company K, Thirteenth Regiment United States Infantry, \$12 per month in lieu of that he is now receiving.

Quinn Bass, late of Captain Jernigan's independent company, Florida Mounted Volunteers, Seminole Indian war, \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL OBSERVATORY.

Mr. LODGE. I ask that the bill (H. R. 22685) to establish a naval observatory and define its duties, and for other purposes, be placed under Rule IX. I do that because that bill is certain to give rise to a good deal of debate. The Senator from Oklahoma [Mr. GORE] and the Senator from Maine [Mr. HALE] and I desire to debate it.

The PRESIDING OFFICER (Mr. GALLINGER in the Chair). The Senator from Massachusetts asks unanimous consent that House bill 22685 be placed under Rule IX. Without objection, that order is made.

INTERNATIONAL JOINT COMMISSION.

Mr. CULLOM. I ask the Senate to consider the bill (S. 8354) relating to the establishment and expenses of the international joint commission under the waterways treaty of January 11, 1909. I desire to say that this is a bill simply for the purpose of carrying out the provisions of a treaty.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KEAN. Let the bill be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Foreign Relations with an amendment on page 1, line 8, after the word "duties," to insert "of like or similar kind," so as to make the bill read:

Be it enacted, etc., That the three commissioners of the International Joint Commission to be appointed on the part of the United States under the treaty of January 11, 1909, between the United States and Great Britain, shall, in addition to their duties as members of such commission, perform such other duties of like or similar kind as they may be called upon to perform under the direction of the Secretary of State; and that such commissioners shall be appointed by the President, by and with the advice and consent of the Senate, and vacancies occurring by death or resignation of such commissioners, or by their removal from office by the President, shall be filled in like manner; that each of said commissioners shall receive as compensation for his services an amount to be fixed by the Secretary of State not in excess of the sum that shall be paid by the British Government to each of its commissioners, and not in any case to exceed the sum of \$7,500 per annum, and that the secretary to the commissioners on the part of the United States shall be appointed by the Secretary of State and shall receive as compensation for his services the sum of \$3,000 per annum; that in addition to such compensation the commissioners and secretary shall receive their actual traveling and other expenses necessarily incurred in connection with and in the course of the discharge of their official duties; that the commissioners shall have authority from time to time to employ, subject to the approval of the Secretary of State, such clerical and other assistants as they may deem advisable, their compensation and expenses to be fixed at such amount as may be determined by the commissioners and approved by the Secretary of State; and they are further authorized to expend an amount to be fixed by the Secretary of State not in excess of \$3,000 annually for office accommodations, equipment, and supplies.

SEC. 2. That the International Joint Commission constituted by the treaty of January 11, 1909, aforesaid, shall have power, when holding joint sessions in the United States, to compel the attendance of witnesses by application to the circuit court of the United States for the circuit within which such session is held, which court is hereby empowered and directed to make all orders and issue all processes necessary and appropriate to that end.

SEC. 3. That the sum of \$75,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State, for the purpose of paying the salaries and all other expenses as herein authorized, and the one-half share of all reasonable and necessary joint expenses as herein authorized, and the one-half share of all reasonable and necessary joint expenses of the commission incurred by it and under the terms of the treaty required to be paid by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. KEAN. Now let us have the regular order.

Mr. DIXON. I hope the Senator will not insist on the regular order now. I am very anxious to have House bill 13907 disposed of.

The PRESIDING OFFICER. The regular order is demanded. The first bill on the calendar will be stated.

Mr. BACON. I ask the Senator from New Jersey if he will not consent to the consideration of a matter of very general and important interest, which is not a local bill and not a private bill.

Mr. KEAN. I made a request for the regular order, but there are several Senators around me who want to proceed out of order, and therefore I will withdraw my request.

The PRESIDING OFFICER. The Senator from New Jersey withdraws the demand for the regular order, and the Senator from Montana is recognized.

AGRICULTURAL ENTRIES ON COAL LANDS.

Mr. DIXON. I ask unanimous consent to renew my request for the consideration of the bill (H. R. 13907) to provide for agricultural entries on coal lands. It is a bill which we had up several days ago and which was unanimously reported.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KEAN. I should like to have some explanation of the bill. It seems to be a very large subject. How much land is agricultural land that has coal under it? I thought the Senator from Montana was very fond of the conservation of natural resources, and this bill does not look to me very much like it.

Mr. DIXON. This bill has for its purpose the separation of the surface title, which is fitted for agriculture, from the coal measures lying beneath the surface. It has been one of the measures urged by the conservationists. If the Senator from New Jersey had kept accurate pace with the conservation movement, he would not have been compelled to ask that question. The truth is that under the homestead law lands underlaid with coal were not subject to homestead entry under the original homestead act.

Mr. KEAN. They ought not to be.

Mr. DIXON. They ought not to be, and until the last few years no lands were held to be coal lands unless the coal outcrop showed on the land itself. There might be an area of country containing millions of acres underlaid with fine coal beds which is just as much coal land as where there is an outcrop of coal. When the coal experts of the Geological Survey went into the field three or four years ago, they classified over 60,000,000 acres of agricultural lands as coal lands, and they have been withdrawn from homestead entry on the theory that they are coal lands. This action has resulted in withholding from settlement vast areas of fine agricultural lands and much embarrassment and hardship to the intending settlers.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HEYBURN. No. The Senator from Montana is explaining it. I wish to make a suggestion to the Senator. The Senator said, perhaps inadvertently, that under existing law no land was held to be coal land unless there was an outcropping. The other exception is unless coal has been discovered.

Mr. DIXON. Unless coal has been discovered. That is correct.

The purpose of this bill is to allow these settlers to enter the surface for agricultural purposes and retain the coal by the Government, to be disposed of hereafter under such laws as may now be in existence or which may be enacted hereafter.

A year ago Congress passed a similar bill confined to homestead entries that had been made up to that time on land classified as coal lands after the settler had settled upon the land. This is to take care of future classification as well as to relieve the present exigency which exists in many States throughout the West.

The bill has been recommended by the department, asked for by the President, and favorably reported by the Public Lands Committees of both the Senate and the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 1, line 5, after the word "lands," to strike out the words "or are valuable for coal" and insert "or shall hereafter be classified as coal lands," so as to read:

That from and after the passage of this act unreserved public lands of the United States exclusive of Alaska which have been classified as coal lands, or shall hereafter be classified as coal lands, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section 4 of the act approved August 18, 1894, known as the Carey Act, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the coal in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this act shall contain more than 160 acres.

The amendment was agreed to.

The next amendment was, on page 2, line 6, after the word "acres," to strike out the following:

And all homestead entries made hereunder shall be subject to the conditions, as to residence and cultivation, of entries under the act approved February 19, 1909, entitled "An act to provide for an enlarged homestead."

The amendment was agreed to.

The next amendment was to insert on page 2, line 6, after the word "acres:"

Provided, That those who have initiated nonmineral entries or locations in good faith prior to the passage of this act on lands which have been or shall be classified as coal lands may perfect the same under the provisions of the laws under which such entries were made and receive the limited patent provided for in this act.

The amendment was agreed to.

Mr. HEYBURN. I move to strike out on page 3, from line 17 down to and including the word "prospecting," in line 20.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment, which will be stated.

The SECRETARY. On page 3, beginning with line 17, strike out the words:

Upon the approval of the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting.

Mr. HEYBURN. Mr. President, I raised this objection to the bill originally, and I am not going to discuss it at length. I merely make the suggestion that with that provision in you eliminate absolutely the ordinary prospector and you eliminate the class of people who have discovered all the coal that ever was discovered in the United States. I undertake to say that there never was a prospector who could comply with those provisions or who could obtain the license and give the bond to prospect for coal. No geological expert ever discovered coal. No coal operators or men who put the merchantable coal on the market ever discovered coal. It is discovered by the poor prospector. I will not say the only objection, but one objection, I have to the bill is that it absolutely eliminates all prospectors and the only class of prospectors who ever discover coal lands.

I think it is a very onerous and burdensome limitation. I merely make that statement. The result will be that there will be no more coal discovered by the individual citizen or prospector if this bill is passed.

Mr. CARTER. Mr. President, prospecting for coal and prospecting for other minerals of course are very distinctly different. In order to prospect for coal it is necessary to move machinery upon the ground and drill where coal does not crop out on the surface. I should think it would be very important to have some one not a miner enter upon a man's grounds, with growing crops, possibly orchards, and give some kind of bond to be responsible for any damage that may occur to the surface in consequence of the drilling operations.

Mr. HEYBURN. If coal were only discovered by sinking, the reasoning of the Senator from Montana would be applicable; but, as a matter of fact, when we ride along on the railroads throughout this country from one ocean to the other we see the coal measures outcropping. While they do not all outcrop, yet where there is an outcropping of lignite or of coal in a formative state we know, as a rule, that there are other coal measures below.

Those locations and those discoveries have been ferreted out by individual locators. The individual locator goes out and secures cooperation from men with money, but there are a great many coal mines in the United States that were discovered and opened by the poor prospector. I think I am safe in saying that a majority of them were so discovered. The capitalist only looks for coal after some one has hunted it up and pointed it out to him and said there is coal, then he goes and looks at it with a critical eye.

I do not think a man should be compelled to get a permit from the Secretary in order to prospect for coal. The country

is benefited by his prospecting for it. He does not carry it away when he finds it. He draws capital to his assistance and it results in the development of coal.

We are doing a great deal of talking about developing the natural resources of the country and developing coal. That means finding it. You can not develop it until you find it. You must find the man who is going to find it. Neither the Senator from Montana nor the Senator from New York go out and hunt for coal. The coal remains undiscovered because the class of men who have been developing it along the lines suggested by the Senator from Montana do not go out to look for it until they have the assurance of somebody who has seen it, who has traveled up into the mountains and found it there among the brush and snow and comes down and tells about it.

As I said, I am not going to discuss this matter at length. It is one of the measures that has much of good and much of evil in it. The surface land should be made available; there is no question about that at all; and there are millions of acres of surplus lands well adapted to agricultural purposes, to home making.

I have always believed that that land should be opened to settlement, for it does not follow because a vein of coal exists or even outcrops through a section of country that the whole country must be devoted to coal mining. It is very important that men should be able to make homes upon the surface, and there is not the slightest difficulty in harmonizing the occupation of the surface by the home maker with the use of the underground by the coal miner. It is not necessary, however, because you are going to do that, to add these onerous and burdensome restrictions upon the man who has to do both. Neither the settler nor the prospector for coal is a capitalist. A capitalist never either settles upon the land or prospects for coal or anything else, except to prospect for an opportunity to develop what somebody else has found, and to make it valuable. I think that the provision requiring a license to prospect should be stricken out.

Mr. PAGE. It seems to me that this is a very important bill. When the Senator from Montana [Mr. Dixon] says that it has received the approval of the department and of the President, I am inclined to be quiet; but when the Senator from Idaho [Mr. Heyburn] moves to amend the bill in a very important particular, it seems to me we ought to have time to consider the bill further. I do not want to object to its consideration, but I should like to have either the bill go through as the President and the department have approved it, or I should like to have it go over.

Mr. DIXON. I hope the Senator from Idaho will withdraw the amendment.

Mr. HEYBURN. I offered the amendment to direct the attention of the Senate to a very serious matter. Now, that I have directed the attention of the Senate to it, I am not going at this time to say another word about it. The amendment may be voted up or voted down; it makes no difference.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Idaho [Mr. Heyburn].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS AND BUILDINGS IN PORTO RICO.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 25290) to authorize the President to convey to the people of Porto Rico certain lands and buildings not needed for purposes of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pacific Islands and Porto Rico with an amendment, on page 1, line 5, after the word "therein," to insert "adjacent to the city of San Juan," so as to make the bill read:

Be it enacted, etc., That the President is hereby authorized, in his discretion, to convey to the people of Porto Rico such lands and buildings, or interests therein, adjacent to the city of San Juan, reserved for public uses under the authority conferred by the act approved July 1, 1902 (32 Stats. L., p. 731), as in his opinion are no longer needed for purposes of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CEDAR POINT AND DAUPHIN ISLAND BRIDGE, ALABAMA.

Mr. JOHNSTON. I ask unanimous consent for the present consideration of the bill (S. 7908) to authorize the Dauphin Island Railway and Harbor Company, its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay, and to dredge the said Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin islands.

It is a local bill, but it is of very great importance to my State and to the commerce of the State.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 1, page 2, line 5, after the word "Alabama," to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," so as to make the section read:

That the Dauphin Island Railway and Harbor Company, a corporation created and existing under the general laws of the State of Alabama, its successors or assigns, be, and it is hereby, authorized to construct, maintain, and operate a railroad bridge or bridges and approaches thereto, for the passage and operation of railway engines and cars and all classes of transportation vehicles across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big, situated in Mobile County, State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 10, after the word "assigns," to strike out "is authorized to" and insert "may;" in line 11, after the word "docks," to strike out "out in any direction or directions;" in line 14, after the word "Mexico," to strike out "the plans therefor to be subject to the approval of the Secretary of War as hereinafter provided" and to insert "at such points and in accordance with such plans as may be recommended by the Chief of Engineers and approved by the Secretary of War," so as to make the section read:

Sec. 2. That said Dauphin Island Railway and Harbor Company, its successors and assigns, may build and maintain wharves and docks from Little Dauphin Island, also from Big Dauphin Island, into the waters adjacent thereto, namely, Mobile Bay, Dauphin Bay, Mississippi Sound, and the Gulf of Mexico, at such points and in accordance with such plans as may be recommended by the Chief of Engineers and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 20, after the word "assigns," to strike out "is authorized to" and insert "may;" on page 3, line 2, after the word "land," to insert "and;" in line 3, after the word "also," to strike out "to" and insert "the said company may;" in line 5, after the word "islands" to strike out "and the right is hereby granted to dredge the said channel and the said basin to any depth, width, or extent, and to" and to insert "and the said company may;" in line 10, after the word "and," where it occurs the second time, to strike out "if necessary or advisable to" and to insert "may;" in line 11, after the word "at," to strike out "any;" in the same line, after the word "other," to strike out "point" and insert "points;" and in line 12, after the word "navigation," to insert: "Provided, That the location, depth, width, and extent of said channel and basin shall be subject to the approval of the Chief of Engineers and the Secretary of War, and until approved by them the work of construction shall not be commenced," so as to make the section read:

Sec. 3. That said Dauphin Island Railway and Harbor Company, its successors and assigns, may build, construct, or dredge a channel from the deep waters of Mobile Bay up to and into Dauphin Bay, cutting or dredging that certain portion of Dauphin Island necessary to construct a straight channel from the proper and most convenient point or points in said deep waters of Mobile Bay to and into Dauphin Bay, said portion of Dauphin Island so cut through or dredged now being low and marsh land; and also the said company may construct or dredge a basin to the full extent of Dauphin Bay, or any part thereof, said bay lying between Little Dauphin and Big Dauphin islands; and the said company may use the dredged material in filling, constructing, and reclaiming lands on or adjacent to Little Dauphin and Big Dauphin islands, and may deposit same at other points which will not interfere with or endanger navigation: *Provided*, That the location, depth, width, and extent of said channel and basin shall be subject to the approval of the Chief of Engineers and the Secretary of War, and until approved by them the work of construction shall not be commenced.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to strike out section 4, as follows:

Sec. 4. That any bridge, wharf, dock, channel, or harbor shall be of lawful design and structure, and shall be known and recognized as a

post route, and the same is hereby declared to be a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, or munitions of war of the United States of America than the rate paid for transportation over other railroads or public highways leading to the said bridge or bridges, channel, or harbor; and the United States of America shall have the right of way for a postal telegraph across said bridge or bridges.

And in lieu thereof to insert:

Sec. 4. That this act shall not be construed as authorizing the invasion or impairment of the legal rights of any other person or corporation, nor any infringement of the laws of the State of Alabama; nor as authorizing the use or occupancy of any portion of the Fort Gaines Military Reservation, except in such manner as may be specifically recommended by the Chief of Engineers and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 4, after line 10, to strike out section 5, as follows:

Sec. 4. That the said bridges, drawbridges, wharves, docks, channel, and all work authorized to be constructed or done under this act, shall be located, built, and done subject to such regulations for the security and convenience of navigation as the Secretary of War shall prescribe, and to the statutes and laws of the United States; and the said Dauphin Island Railway and Harbor Company, its successors and assigns, shall, before construction, submit to the Secretary of War, for his examination and approval, designs and drawings of any proposed bridge or bridges, wharves, docks, channel, or work proposed to be done under authority of this act, together with such other information as may be required for a full and satisfactory understanding of the subject.

And in lieu thereof to insert a new section 5, as follows:

Sec. 5. That the act approved February 5, 1906, entitled "An act to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island," is hereby repealed.

The amendment was agreed to.

The next amendment was, in section 6, page 5, after the word "That," to insert "this act shall be null and void if;" in line 7, after the word "construction," to strike out "upon" and insert "of;" in the same line, after the word "the," to strike out "work" and insert "works;" in the same line, after the word "authorized," to strike out "shall;" in line 8, after the word "be," to insert the word "not;" in the same line, after the word "and," to strike out "the railway from from the mainland, at or near Cedar Point to Dauphin Island, shall be;" and in line 10, after the word "the," to insert "date of," so as to make the section read:

Sec. 6. That this act shall be null and void if actual construction of the works herein authorized be not commenced within two years, and completed within five years from the date of approval of this act.

The amendment was agreed to.

The next amendment was to insert a new section, as follows:

Sec. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF J. CALVIN KINNEY.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 15226) for the relief of the heirs of the estate of J. Calvin Kinney, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to redeem, as herein provided, in favor of the estate of J. Calvin Kinney, deceased, United States 4 per cent coupon bonds, funded loan of 1907, Nos. 3170, 3361, 10123, 11247, 12640, 19689, 27268, 31977, 37099, 37908, 37909, 37910, 37911, 42832, 46931, 51863, 53522, 53523, 60326, 61017, 62415, 62939, 65795, 67455, 72206, for \$500 each, and 4755, 5689, 6068, 6769, 7928, 10729, 12504, 24288, 25825, 31635, 44577, 48217, 58327, 60863, 60878, 61544, 72424, 77385, 80460, 80461, 80462, 111718, 137710, 138801, 139631, 163370, 163371, 184687, 200063, 254950, 129632, for \$1,000 each, with interest from January 1, 1891, to the date of the maturity of the bonds, July 2, 1907, and appropriates a sum of money therefor, but the legal representative of the estate shall first file in the Treasury a bond in the penal sum of double the amount of the principal of the bonds and the interest accrued thereon, with good and sufficient sureties to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim on account of the lost bonds described, or any of them, and the accrued interest thereon.

Mr. BAILEY. Mr. President, I think it would have been a little less awkward to have entitled it "An act for the relief of the heirs of J. Calvin Kinney" or "For the relief of the estate of J. Calvin Kinney;" but I make no motion to amend, for the reason that it is not a matter of sufficient importance.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DETAIL OF LINE OFFICERS TO THE GENERAL STAFF.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 8129) to increase the efficiency of the army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that vacancies created in the line of the army by the detail of officers to the General Staff Corps shall be filled by promotions in the line until the total number of detailed officers shall equal the number authorized for the General Staff Corps by the act approved February 14, 1903, and thereafter vacancies caused by details from the line to the General Staff Corps shall be filled by officers returning from tours of duty in that corps; but if the number of officers returned to any particular arm of the service at any time exceeds the number authorized by law in any grade, promotions to that grade shall cease until the number has been reduced to that authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO BANKRUPTCY LAW.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 20575) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DOLLIVER. Mr. President, this seems to be a very complicated sort of a bill. I am compelled on account of the complex character of these amendments, which I desire to have an opportunity to examine, to suggest that the bill go over.

Mr. BACON. Before the Senator from Iowa makes that suggestion I should like to make a statement in regard to it.

This, of course, is a matter of very great importance, and one in which the business interests of the country are greatly interested. We have had the most elaborate hearings and the most careful consideration, and the bill comes to the Senate with the unanimous report of the Judiciary Committee after months of labor.

I make that statement merely for the purpose of asking the attention of Senators to it, so that when it is next before the Senate we may be able to proceed with it. It is a House bill, and the amendments suggested by the Senate Judiciary Committee are few.

I would suggest to the Senator from Iowa, and others who feel an interest in the bill, that an elaborate report accompanies this bill, and if Senators will get that report, which is No. 691, it will very much facilitate their labor in the examination of it. I will ask that they do so, because as the bill will have to go into conference, and it is a matter of very general concern, I shall again within a few days ask the Senate to consider it.

Mr. DOLLIVER. I desire to say but a word. I have had pending for many years a proposition to repeal the bankruptcy law. I regard it as a statute operating very greatly to the disadvantage of interior commercial points, and as a policy in favor of the great commercial centers, destructive of the credit of country merchants, injurious to legitimate banking interests in the rural districts, and as a monstrosity so gross that it ought to attract the attention of such a people as ours.

I have never had any objection to an occasional bankruptcy law for the purpose of ending the business troubles of men unfortunate in their affairs, but to have standing on the statute books of a country like this a law which says to a young man about to embark in business: "You can not ever possibly be any worse off than you are now," and which invites every speculator to go forward in whatever reckless exploit may be in view, seems to me to be against public morality.

I do not believe that we ought to permanently maintain on our statute books a standing invitation to speculators, business adventurers, reckless plungers in commerce and industry to go on with their shady operations, protected by laws which relieve them of the old-fashioned obligation to pay their debts.

Mr. BACON. Just one word.

Mr. LODGE. I do not expect to be reached among those who have a chance to call up a bill, but I think these other Senators—

Mr. BACON. Very well; I will not now pursue the matter further.

The PRESIDING OFFICER. Objection having been made, the bill will go over.

PUBLIC BUILDING AT RAPID CITY, S. DAK.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 187) providing for the erection of a public building in the city of Rapid City, S. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 12, after the word "hundred" to strike out the words "and fifty," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Rapid City, S. Dak., a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, land office, weather bureau, and other government offices in said city of Rapid City, S. Dak., which said building shall cost, complete, not to exceed the sum of \$100,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES KEHOE.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 18556) for the relief of Charles Kehoe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Charles Kehoe, who was a private of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, shall be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment on the 31st day of January, 1866.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN NATIONAL RED CROSS.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 6877) to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

The amendments were, on page 1, line 4, after the words "Red Cross," to insert "approved January 5, 1905;" on page 2, line 4, before the word "display," to strike out the word "to;" on page 2, line 11, after the words "United States," to insert "for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose;" on page 2, line 14, before the word "use," to strike out the words "have or to;" and on page 2, line 19, after the word "words," to strike out—

in connection with the said emblem or without connection with it, for any purpose whatsoever: *Provided, however,* That owners of trade-marks heretofore registered in the United States Patent Office in pursuance of the trade-mark laws of the United States, and owners of trade-marks for the registration of which applications were filed prior to January 5, 1905, in the United States Patent Office, and for which registration upon such applications has been, or shall hereafter be, made in pursuance of the laws of the United States shall not be deemed forbidden by this act to use such trade-marks in accordance with the terms thereof—

And insert:

Provided, however, That no person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January 5, 1905, shall be deemed forbidden by this act to continue the use thereof for the same purpose and for the same class of goods.

So as to make the section read:

Be it enacted, etc., That section 4 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, is hereby amended to read as follows:

"Sec. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely or fraudulently hold himself out as or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. It shall be unlawful for any person, corporation, or association other than the American National Red Cross and its duly authorized employees and agents and the army and navy sanitary and

hospital authorities of the United States for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white ground, or any sign or insignia made or colored in imitation thereof, or of the words 'Red Cross' or 'Geneva Cross' or any combination of these words: *Provided, however,* That no person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January 5, 1905, shall be deemed forbidden by this act to continue the use thereof for the same purpose and for the same class of goods. If any person violates the provision of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any federal court shall be liable to a fine of not less than \$1 or more than \$500, or imprisonment for a term not exceeding one year, or both, for each and every offense."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PENSACOLA, FLA.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 7759) providing for the improvement, repair, and an addition to the public building at Pensacola, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FLETCHER. I desire to offer an amendment, on page 1, line 10, after the word "hundred" to insert the words "and thirty," so that it will read:

At a cost not to exceed \$130,000.

This is in accordance with the report of the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SMYRNA, DEL.

Mr. DU PONT. I ask unanimous consent for the present consideration of the bill (S. 2265) to provide for the purchase of a site and the erection of a public building thereon in the city of Smyrna, Del.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, before the word "thousand" to strike out the word "forty" and insert "twenty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or acquire, by condemnation proceedings or otherwise, a site for and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other government offices in the city of Smyrna and the State of Delaware, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$25,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STONE. I desire to say that after to-day I shall insist on the calendar being taken up in regular order. I give that notice.

ESTATE OF FREDERICK P. GRAY.

Mr. SHIVELY. I ask unanimous consent for the present consideration of the bill (H. R. 11806) for the relief of the estate of Frederick P. Gray.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Nathan S. Gray, administrator of the estate of the late Frederick P. Gray, \$356.10, in lieu of check issued and returned to the Government by Frederick P. Gray.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES K. P. WAYMAN.

Mr. FRAZIER. I ask unanimous consent for the consideration of the bill (H. R. 19887) for the relief of James K. P. Wayman.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

sideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James K. P. Wayman shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company G, Fifty-fourth Regiment Illinois Volunteer Infantry, on the 28th day of February, 1865. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITHDRAWALS OF PUBLIC LANDS.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

Mr. HEYBURN. I ask for the regular order.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. The motion the Senator from Utah has made is the regular order.

Mr. HEYBURN. It is after 2 o'clock?

The VICE-PRESIDENT. It is after 2.

Mr. MONEY. I ask the Senator from Utah to yield to me.

The VICE-PRESIDENT. Will the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes; I will yield.

Mr. MONEY. It has been understood for some time that the next measure that would be taken up in order would be the statehood bill. This side of the Chamber is exceedingly interested in that bill; but now, since the withdrawal bill seems to be the order, I will ask unanimous consent that an order may now be made that the statehood bill be the next bill to be considered after this bill has been concluded. I hope nobody will object to that.

Mr. BEVERIDGE. I wish to say that that is perfectly agreeable. I will state that immediately after the withdrawal bill has been disposed of it is the intention of the Committee on Territories that the statehood bill shall be made the unfinished business.

Mr. MONEY. Can we not get consent now?

Mr. BEVERIDGE. So far as I am concerned—

Mr. FRYE. I will object, Mr. President.

The VICE-PRESIDENT. Objection is made.

Mr. MONEY. I do not suppose that this is a debatable proposition, but I should like to ask the Senator in charge of the bill when he expects to get through with it?

Mr. SMOOT. I could hardly say just when, but it is the intention to keep the bill before the Senate as the unfinished business until it is disposed of.

Mr. BEVERIDGE. To the exclusion of everything else.

Mr. SMOOT. To the exclusion of everything else. I can not say how long it will take, probably several days. I do not think it will take very much longer. As far as I am concerned, I will be perfectly willing to assist in taking up the statehood bill immediately after disposing of this bill.

Mr. MONEY. I would have been very glad to have had a record made here to take up the statehood bill, because there have been assurances given that it would be in order after the railroad rate bill was disposed of.

Mr. SMOOT. I say I will assist the Senator in every way that I can as soon as this bill is disposed of.

The VICE-PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

Mr. MONEY. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. BORAH and Mr. FRAZIER addressed the Chair.

Mr. GALLINGER. I ask for the regular order.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Utah.

Mr. FRAZIER. Mr. President, if it is in order, I should like to move to substitute House bill 18166 for the withdrawal bill.

The VICE-PRESIDENT. That motion is not in order.

Mr. SMOOT. It is not in order.

Mr. FRAZIER. The Chair holds that a substitute is not in order?

The VICE-PRESIDENT. It is not in order to substitute another bill for a motion to take up a particular bill.

Mr. BORAH. Mr. President, before I vote I wish to ask the chairman of the Committee on Territories—

Mr. GALLINGER. I ask for the regular order. The yeas and nays have been ordered.

The VICE-PRESIDENT. The regular order is demanded, and the Secretary will call the roll on agreeing to the motion of the Senator from Utah.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. Root]. If he were present, I should vote "nay."

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote. Were he present, I should vote "yea."

Mr. FLINT (when his name was called). I announce my pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present, I withhold my vote.

Mr. OVERMAN (when Mr. FOSTER's name was called). The Senator from Louisiana [Mr. FOSTER] is unavoidably absent. He is paired with the Senator from North Dakota [Mr. McCUMBER].

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. He is unavoidably absent. If he were present, I would vote "nay."

Mr. OLIVER (when Mr. Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is detained from the Senate on account of sickness. He is paired with the Senator from Virginia [Mr. MARTIN]. If my colleague were here, he would vote "yea."

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague [Mr. RAYNER] is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALLAFERRO]. I will transfer that pair to the junior Senator from New York [Mr. Root] and vote. I vote "yea."

The roll call was concluded.

Mr. JOHNSTON. I am paired with the junior Senator from Michigan [Mr. SMITH]. I will transfer that pair to my colleague [Mr. BANKHEAD], and vote "nay."

Mr. CLAY. Under the statement made by the junior Senator from West Virginia [Mr. SCOTT], the junior Senator from New York [Mr. Root] stands paired with the senior Senator from Florida [Mr. TALLAFERRO], and I vote "nay."

Mr. GALLINGER. I was requested to announce that the junior Senator from Rhode Island [Mr. WETMORE] stands paired with the junior Senator from South Carolina [Mr. SMITH].

Mr. FLINT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

The result was announced—yeas 40, nays 24, as follows:

YEAS—40.

Bourne	Crane	Frye	Oliver
Briggs	Crawford	Gallinger	Page
Bristow	Cullom	Gamble	Perkins
Brown	Curtis	Hale	Piles
Bulkeley	Depew	Jones	Scott
Burkett	Dick	Kean	Smoot
Burrows	Dixon	La Follette	Stephenson
Burton	Dolliver	Lodge	Sutherland
Carter	du Pont	Nelson	Warner
Clapp	Flint	Nixon	Warren

NAYS—24.

Bacon	Fletcher	McEnery	Purcell
Bailey	Frazier	Money	Shively
Borah	Gore	Newlands	Simmons
Chamberlain	Heyburn	Overman	Smith, Md.
Clark, Wyo.	Hughes	Owen	Stone
Clay	Johnston	Percy	Taylor

NOT VOTING—28.

Aldrich	Culbertson	Guggenheim	Richardson
Bankhead	Cummins	Lorimer	Root
Beveridge	Daniel	McCumber	Smith, Mich.
Bradley	Davis	Martin	Smith, S. C.
Brandegge	Dillingham	Paynter	Tallafarro
Burnham	Elkins	Penrose	Tillman
Clarke, Ark.	Foster	Rayner	Wetmore

So Mr. Smoot's motion was agreed to.

TAX ON TELEGRAPH COMPANIES IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22390) to amend paragraph 5 of section 6 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia," etc., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CARTER. I move that the Senate insist on its amendments and agree to the conference asked by the House of Rep-

resentatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. CARTER, Mr. SCOTT, and Mr. MARTIN the conferees on the part of the Senate.

ADMISSION OF NEW MEXICO AND ARIZONA.

Mr. BEVERIDGE. Mr. President, I desire to give notice that immediately after the conservation bill has been voted upon I shall again move to proceed to the consideration of the statehood bill, which is House bill 18166, and if I shall be absent for the moment some member of the Committee on Territories will do so.

Mr. WARREN. I ask unanimous consent to state that I voted with those who have just recorded themselves in favor of taking up the conservation measure. I voted on Friday evening to take up the statehood measure—or, rather, I voted against adjournment, in order that the statehood measure might be taken up. If I had had any idea that it was the purpose of the Senate not to take up the statehood bill immediately after disposing of this withdrawal bill—a conservation measure—my vote would have been different this morning. But I shall insist, and I hope there will be found a majority who will insist with me, that the Senator from Indiana shall take up and have considered to a finality the statehood bill for the admission of Arizona and New Mexico, so that both political parties may have an opportunity to fulfill their pledges which have been made time and again in their respective national conventions. I for one stand ready to remain here in session until the gavel falls for the next session in December, if it be necessary, in order to complete consideration and passage of these admission bills.

Mr. SMOOT rose.

Mr. GALLINGER. Mr. President, if the Senator from Utah will permit me, I desire simply to say in a word that I have for many years been in favor of admitting to statehood the two remaining Territories, and I cordially second the suggestion made by the Senator from Wyoming that we ought to act, as I have no doubt we will, in entire good faith, and after the pending bill is disposed of that we will proceed to the consideration of the statehood bill and get it out of the way and admit to statehood the Territories of New Mexico and Arizona. I shall certainly cooperate to the extent of my ability to bring that about.

Mr. HUGHES. Mr. President, I should like to call attention to the fact that we were deprived of the opportunity of voting to take up the statehood bill by an adjournment on Friday night while the motion to that effect was temporarily withheld; that by the ruling upon the point of order we were prevented from voting to substitute the statehood bill for the withdrawal bill; and that when unanimous consent was asked that at the termination of the conservation bill the statehood bill should be the unfinished business until completed, objection was made to that understanding. In view of those facts, what reason have we to anticipate or expect, notwithstanding the assurances of individual Senators, that there will be, in good faith, opportunity to carry out the absolute pledges of both parties, which stand as pledges of honor, and which could only well have been kept by preserving the agreement, tacit and expressed, that the statehood bill should be taken up first? It is now pushed aside. There is no agreement when it shall be taken up at any time; there has been objection to the making of any such agreement, and we have absolutely been prevented from making a record as to whether or not we desired to take it up first.

I now call attention to the situation, that we are prevented from having the opportunity even of expressing our preferences between the two bills in their consideration, although I believe we have a right to assume that the vote just taken, in view of the undisposed of motion which was pending when we adjourned on Friday, is an expression of the majority that they will adopt or press the conservation measure for consideration, and then the statehood bill may take its chances without pledge or resolution.

To test that, I now move that at the conclusion of the action upon the conservation bill, the statehood bill be made the unfinished order of business, and so kept until it is finally disposed of.

Mr. GALLINGER. That can not be done.

Mr. KEAN. That can not be done. Let us have the regular order.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order. The motion of the Senator from Colorado could only be put by unanimous consent. The regu-

lar order, which is the consideration of the conservation bill, shuts out the motion of the Senator from Colorado.

Mr. HUGHES. I should like to make an inquiry. Is it not in order at any time to lay aside one bill and take up another?

The VICE-PRESIDENT. To consider another bill, certainly.

Mr. HUGHES. I then move to lay aside the consideration of the conservation bill and take up the statehood bill.

Mr. SMOOT. We have just voted on that question.

Mr. HUGHES. On that I ask for the yeas and nays.

The VICE-PRESIDENT. Wait a moment. The Senator from Colorado has not put the motion in a form in which it would be in order.

Mr. HUGHES. Then I move to lay aside—

Mr. FRYE. No.

Mr. SMOOT. No business has been transacted between the last vote taken by the Senate and this motion, and therefore it certainly is out of order.

Mr. HUGHES. Several speeches have been made, and I understand that that is business under the rules of the Senate.

The VICE-PRESIDENT. Apart from that, the Chair holds that the motion as made is not in order.

Mr. HUGHES. I call attention to the fact that we have made every effort in our power to secure consideration of the statehood bill in accordance with platforms and pledges, and we have been prevented from doing it and from getting a consent order for its consideration hereafter.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. The Senator from Utah has the floor.

Mr. SMOOT. In answer to the Senator from Colorado, I will say that there is no intention whatever of putting aside permanently the statehood bill. I will gladly join with the Senator from Colorado, as soon as this bill is disposed of, in bringing the statehood bill before the Senate, and I have no doubt but what it will be brought up. I think I can speak for this side of the Chamber. I will not say all Senators, but I know there are a great many Senators who are so inclined and desire that that course shall be pursued.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I yield to the Senator.

Mr. CARTER. I think it would be well for the Senator from Colorado to send out with his announcement the statement of fact that the Senate can only consider one bill at a time. The fact that the Senate has determined to consider the bill now before the Senate on this day, and until its consideration is concluded, is not to be taken in any sense as any evidence of hostility to the statehood bill.

The motion made by the Senator from Tennessee [Mr. FRAZIER] to substitute the statehood bill did not present an issue which could be voted upon by the Senate. It was held out of order by the Chair, and properly so, I think. I believe it is pretty generally understood throughout the Chamber that the statehood bill will, in an orderly manner, be made the unfinished business immediately upon the disposition of the pending measure.

If the Senator is quite assured of a majority on that side of the Chamber for the consideration of the statehood bill, as I am sure of a majority on this side of the Chamber for that proposition, there will be no question at all about its adoption by the Senate in due season. There is no disposition, so far as I am advised, in any quarter, to evade the question of statehood, so long deferred. This side of the Chamber is in the habit of redeeming party pledges. It is one of the ways we have, and from that way we do not intend to deviate, so far as I am advised, in reference to statehood for the new Territories.

Mr. CLAY. Will the Senator yield to me for a question?

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia to ask a question of the Senator from Montana?

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. CLAY. I understood the Senator from Montana to say that the other side of the Chamber always redeems party pledges, looking over on this side of the Chamber as if we do not redeem our party pledges. I presume the Senator means by that that we have not had an opportunity to redeem our party pledges.

But will the Senator let me call his attention to the fact that for twelve years both political parties have set forth in their platforms in favor of statehood for both Arizona and New Mexico? I remember the fight made by the late Senator Quay,

of Pennsylvania, in regard to the redemption of those pledges in favor of statehood. Every member on this side of the Chamber voted in favor of redeeming those pledges, and we secured only 15 votes on the other side, and we could have redeemed those pledges but for the fact that we were delayed by speeches for three months with a view of killing the proposed statehood. The Senator is surely aware of that fact.

Mr. CARTER. Mr. President, ancient history is sometimes instructive and worthy of recall. It was the action of the Democratic majority in the House of Representatives—not a majority, but a large minority there—that deprived New Mexico of statehood in 1876, when statehood was given to Colorado, a Territory of much less population and capacity for statehood at that time.

It is true that controversy arose and was continued in this Chamber, and the other as well, with reference to uniting these two Territories in one State. That controversy operated to defer the final action. Ultimately that question was settled where it ought to have been settled, by the people of Arizona and the people of New Mexico in favor of two States instead of one.

I am not blaming the Senator from Georgia nor his party for failing to keep their promises. The people have doubted their intention in that behalf, and, fortunately for the country, have not given them an opportunity to redeem themselves.

WITHDRAWALS OF PUBLIC LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases, which had been reported from the Committee on Public Lands with an amendment in the nature of a substitute.

Mr. SMOOT. I now ask for the reading of the bill.

The VICE-PRESIDENT. The Senator from Utah asks for the reading of the bill.

Mr. HUGHES. Mr. President, I should like—

Mr. SMOOT. Let the bill be read, Mr. President.

The VICE-PRESIDENT. The Secretary will read the amendment in the nature of a substitute reported by the Committee on Public Lands in lieu of the original bill, if there be no objection. The Chair hears none.

The SECRETARY. The Committee on Public Lands report an amendment to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States and the Territory of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

SEC. 2. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates: *Provided*, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work: *And provided further*, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to the passage of this act: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

SEC. 3. That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.

Mr. BORAH. Mr. President, I want to ask a question of the Senator from Utah [Mr. SMOOT]. As I understand the bill from its reading, the withdrawals which are therein provided for do not affect the right to proceed to exploit our mining grounds except as to coal, oil, gas, and phosphate?

Mr. SMOOT. That is true.

Mr. BORAH. As to all other mining, we should proceed the same as we now do under the statute?

Mr. SMOOT. Yes.

Mr. BORAH. But as to gold and silver and such things?

Mr. SMOOT. We shall proceed under the present law just the same as we would proceed in the case of a forest reserva-

tion, or any other public land in the United States. The bill does not affect that in the least.

Mr. BORAH. The bill does not affect it at all?

Mr. SMOOT. Not at all.

Mr. BORAH. Now, as to the provision beginning in line 10, as I understand, that excepts from the effect of the withdrawals all homestead entries and all desert-land entries which are in bona fide, in good faith, made at the date of withdrawal.

Mr. SMOOT. That is correct—or that may be hereafter withdrawn.

Mr. BORAH. Yes.

Mr. HUGHES. Mr. President, I am not willing to have this matter stand upon the record as it was left when I was taken from my feet by the insistence of the Senator from Utah [Mr. Smoot] that the bill should be read. I do not criticize the President in any ruling made; I said nothing that could be given that interpretation, but I did call attention to the fact that when the agreement was sought, and when a motion was made, a point of order was invoked, which I assume was correctly ruled upon, the result of which was to prevent either an agreement or a vote upon the question which of these two measures, the withdrawal bill or the statehood bill, should be first taken up.

I had a right to say, and I wish to say, in response to the Senator from Montana, that I am quite willing there shall go with anything I have said the explanation and the promise he has made. But "hope deferred maketh the heart sick," and I know that our neighbors to the south have waited and prayed and wished for many a long year to have the redemption of these promises; and as we had some assurances that this measure would be the next taken up, I had hoped that that would be done. I think I am warranted in saying that, even if there be no hostility to the statehood bill—a statement in its universality I think not yet verified—there at least has been exhibited a preferential tenderness toward one measure over the other, and we shall await the demonstration of the fact that everybody is in favor of a statehood bill or the statehood bill. We can only test that by what may hereafter happen.

Mr. CLARK of Wyoming. Mr. President, is the bill now open to amendment?

The VICE-PRESIDENT. The bill is now open to amendment.

Mr. CLARK of Wyoming. Mr. President, I am unwilling that the position of certain Senators who have not agreed in toto with the reservation policy that has heretofore been pursued should remain without explanation. I can not agree with the majority of the Committee on Public Lands that this legislation, if desirable, is not necessary; in other words, I am of opinion, if the power to reserve public lands from the operation of the land law should be lodged in the President, it is necessary to give him that power by the express enactment of Congress.

This measure and others like it—and I want to say that I am not going to enter into any extended discussion—have been before Congress during this entire session. With the particular bill which we are now called upon to consider, there is no report from the committee. Notwithstanding the fact that it deals with hundreds of millions of acres of the public land, there is accompany it no report from the Committee on Public Lands as to why this legislation should be enacted. It is the first time, in my experience, where a bill of such tremendous importance has been presented to the Senate without a report. A similar bill, however, which was introduced earlier in the session by the chairman of the Committee on Public Lands [Mr. NELSON], was reported favorably with a written report. That report, however, did not deal with the question as to the advisability of this legislation, but it dealt with it under the assumption that the President already had the power which was conferred by the bill; but stated in effect that, inasmuch as that power had been questioned, it was right and proper to pass the bill so that there could be no question hereafter.

Mr. President, I have not been one of those who have believed in either of those propositions. I have not considered that the President of the United States had the right to suspend a public-land law of the United States any more than he had the constitutional right to suspend a revenue law of the United States—the one is the same as the other—passed by enactment of both Houses of Congress and written on the statute book with the approval of some prior President. To say, as the committee in its report says, that the President, from the foundation of the Government, had the right to suspend a land law of the United States, is to say that he had a right to suspend any

law of the United States; in other words, to dispense with the laws—a theory that caused bloodshed and tremor over the Kingdom of Great Britain for many and many a year.

Mr. President, at the time the report of the committee was made it stated, in effect and in words—and the report was submitted by the chairman of the committee on February 3, 1910—that this legislation was not absolutely necessary, but that it would be well to have it, inasmuch as the power of the President had been questioned.

I do not desire to speak at length, but simply to express my dissent from that opinion of the committee, and to file, by way of answer to that contention, what perhaps might have been filed heretofore by permission of the Senate as a minority report of the committee, a certain brief bearing upon that question. I ask unanimous consent that I may have leave to file the brief without reading it, because I do not now care to go into the legal discussion of this matter.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair hears no objection to the request, and permission is granted.

Mr. CLARK of Wyoming. Mr. President, I do not care to now go into a legal discussion of the matter, for I think it is immaterial; because, notwithstanding what has been said in some quarters, I, with some others who think with me on this proposition, believe that some legislation of this sort ought to be passed. I do not, however, believe that it ought to be passed because the President already has the power, but I believe it ought to be passed because the President has not now the power. The necessity exists, because the President has asked that he be given the power to withdraw these lands from entry and sale.

Mr. President, to the bill that is presented I have one or two short amendments to suggest. The first is merely a change, not of phraseology, but of arrangement. Section 1 of the proposed substitute reads:

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States and the Territory of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes—

And so forth.

The amendment that I have to suggest is, that after the word "for," in line 15, if the Senator from Utah [Mr. Smoot] will follow me, there be inserted "public purposes to be specified in the order of withdrawal and for." It is simply a difference of arrangement. I am led to propose that amendment for the reason that the bill as it is presented is a tacit admission by Congress through enactment that water-power sites, irrigation, classification of lands, and so forth, are public purposes. Such I do not understand to be the case. A public purpose for which land can be withdrawn is that which has been frequently exercised—the withdrawal of lands for military posts, for forts, arsenals, light-house purposes, and other matters of that kind. I ask the Senator having charge of the bill whether or not he has objection to the rearrangement of the section in that particular?

Mr. SMOOT. Mr. President, I can not see that that would help it in the least. I do not know that I understand the effect of the Senator's amendment correctly, and I think I had better ascertain whether I do before I make any statement regarding it. If I understand the amendment correctly, the first section, with the incorporation of the proposed amendment, would read as follows:

That the President may at any time in his discretion temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States and the Territory of Alaska, and reserve the same for public purposes specified in the order of withdrawal and for water-power sites irrigation, classification of lands—

and so forth.

Mr. CLARK of Wyoming. That is right.

Mr. BORAH. Mr. President, the only difference, as I understand, between the two propositions is that the Senator from Wyoming [Mr. CLARK] does not desire to concede by this bill that power sites and irrigation works are public purposes. I myself do not think that that concession ought to be made. So far as the withdrawal is concerned, it is just the same.

Mr. SMOOT. That is just exactly what I was going to say after I had read the Senator's proposed amendment in connection with the provisions of the bill, so as to see whether I had it right or not. I hardly think that we ought to accept that amendment for the very reason that by accepting it we would provide that withdrawals for water-power sites, for irrigation

projects, and for the classification of lands are not withdrawals for public purposes.

Mr. CLARK of Wyoming. That is exactly what we want to say, Mr. President, and if the Senator proposes in this withdrawal bill to consider as a public purpose any purpose that the President of the United States may think proper to designate as a public purpose, then we are at wide variance.

Mr. SMOOT. Mr. President, take the question of irrigation, for instance. I should certainly not want to have the bill provide that that is not a public purpose.

Mr. CLARK of Wyoming. Then, there is more in this bill than I supposed there was.

Mr. FLINT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from California?

Mr. CLARK of Wyoming. Certainly.

Mr. FLINT. I rise to a parliamentary inquiry. I inquire whether or not the Senator in charge of the bill has a right to accept for the committee amendments that may be offered?

Mr. CLARK of Wyoming. Is the Senator asking the question of me?

Mr. FLINT. I am making a parliamentary inquiry.

Mr. CLARK of Wyoming. So far as I am concerned, I would say "no; unless by unanimous consent."

Mr. SMOOT. And so far as I am concerned, I would say "no; unless by unanimous consent."

Mr. FLINT. The reason I make the inquiry at this time—

Mr. CLARK of Wyoming. I want to say to the Senator that I was not speaking of the acceptance of my amendment. I said that I hoped the Senator in charge of the bill would not object to it.

Mr. FLINT. The reason I made the inquiry, Mr. President, was that this bill has been framed in the committee by a very close vote and it may be that amendments suggested would not meet the approval of the majority of the committee. For that reason, I desire that no amendments be accepted, unless it is known that a majority of the committee favor them.

Mr. CLARK of Wyoming. Of course I have not asked for the acceptance of the amendment. I said I hoped it would not be objected to.

Mr. FLINT. I am not speaking of this particular amendment, but I thought there might be a number of amendments offered from time to time. My views are pretty well fixed with reference to this bill, and I do not care to have amendments accepted unless it is known that a majority of the committee favor those amendments.

Mr. CLARK of Wyoming. Now, Mr. President, it seems that there is a stronger line of cleavage than I supposed. I had supposed that this bill was presented here to carry out the wishes of the people who are known as "conservationists." I had supposed that what was wanted was authorization for the withdrawal of land for public purposes; that is, for light-houses, for military posts, for navy-yards, and arsenals where it was desirable to locate them upon the public land. I had supposed, second, that it was desired by those who brought the bill here that there should be reservations for water-power sites, for irrigation purposes, and for the classification of lands; and I supposed that that was where this bill ended; but it appears that such is not the case. It appears that by a new construction to be put upon the phrase "public purposes," a construction which has never been put upon it by any court in this land, we are to have a new legislative construction that "public purposes" means any purpose that may move the mind of the executive officer of the Government. I, for one, think that this matter ought not to go to that extent. I believe that if we go as far as the conservationists so-called go, as far as the administration itself goes, as far as the commission appointed to investigate the public-land system went in their recommendations, we are going far enough; and nowhere in any of those recommendations can be found a single scintilla of a statement that they desire anything more than is contained in the bill as I propose to amend it.

What is the reason that there can not be a rearrangement made in the terms of the bill? I desire to ask the purpose of the use of the words "public purposes" in this connection. I am not particular as to how the rearrangement shall be made; I am not particular whether it shall be in the shape in which I have proposed it, or in some other form, but I do not want a legislative statement that is contrary to the opinion of the court whenever it has passed upon the question that a public purpose means anything except a governmental purpose. That is exactly what it means in the court's decision; that is what it should

mean in the law; and that is what it should mean in this bill.

The PRESIDING OFFICER. The Chair does not understand that the Senator from Wyoming has submitted an amendment.

Mr. CLARK of Wyoming. I intended to submit an amendment.

The PRESIDING OFFICER. Will the Senator please state the amendment?

Mr. CLARK of Wyoming. After the word "for," in line 15, on page 2, I move to insert the words "public purposes to be specified in the order of withdrawal and for," and to strike out, in lines 16 and 17, the words "or other public purposes to be specified in the orders of withdrawals." It is simply a rearrangement of the words. Possibly it may be improved upon. The Senator from Montana [Mr. CARTER] puts it in more concise form, which is entirely agreeable to me, namely, after the word "for," in line 15, insert the words "public purposes or for," and, in line 16, strike out "or other public purposes" and insert "the purpose in each case."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

Mr. NELSON. Mr. President, is that amendment before the Senate to be voted upon now?

The PRESIDING OFFICER. The Chair so understands.

Mr. NELSON. Mr. President, I had hoped that we might have disposed of this bill without any debate or discussion, but in view of the remarks made by the Senator from Wyoming [Mr. CLARK], I feel impelled to state how I look at this question.

To my mind, this bill restricts rather than enlarges the power that the executive department now possesses under our land laws as interpreted by the courts. For many years, almost from the inception of our public-land system, at all events from the time of the preemption law of 1830, the President of the United States, through officers of his executive departments, has exercised this power of withdrawing public lands for public purposes from sale and entry. His right to do so has always been sustained by the courts when drawn in question and has never been questioned in the land departments until recently. And it arose from the extensive and unusual withdrawal that took place during the last part of Secretary Garfield's administration. The following tables and statements show the character, purpose, and amount of these withdrawals:

Withdrawals originally made in terms of "power sites" and "conservation of water resources."

	On recommendation of Reclamation Service.			On recommendation of Geological Survey.		
	With- drawn.	Re- stored.	Approx- imate area.	With- drawn.	Total area.	Entered land.
Missouri River, Mont.	1902. Jan. 18	1909. Apr. 7	Acres. 273,280	1909. May 29	Acres. 6,328	Acres. 1,288
Owyhee River, Oreg.	do.	Apr. 10	379,520	May 24	60,000	2,360
Missouri River tribu- taries, Mont. (Jef- ferson, Madison, Gal- latin, and Beaver- head rivers)	Feb. 16	do.	356,480	May 29	31,963	1,326
Flathead River, Mont.	do.	do.	67,200	do.	135	84
Swan River, Mont.	do.	Apr. 7	18,500	(^a)	(^a)	(^a)
Salmon River, Idaho.	Feb. 17	Mar. 30	322,560	May 29	55,700	2,360
Total			1,417,540		154,126	7,418
San Juan River, Utah.	Feb. 19	(^c)	115,200			
White River, Utah.	Feb. 27	(^c)	83,200	(^c)		
Total			198,400			

^a Of the area withdrawn on the Missouri, 1,518 acres, including 467 acres of entered land, were restored July 13, 1909, after field examination, which showed that the power in the part of the river involved could not be developed from the tracts withdrawn.

^b This 60,000 acres includes areas along the river which were missed in the original withdrawal. The large reduction from the original withdrawal, in spite of the fact that the subsequent withdrawals include more power sites, is explained in the accompanying map No. 1 (not printed in the Record).

^c Of the area withdrawn, the Missouri tributaries, 2,742 acres, including 793 acres of entered land, were restored on July 15 and 16 after field examination, which showed that the power in the part of the river involved could not be developed from the tracts withdrawn. The same examination showed that some of the best power in the region is now protected by this withdrawal.

^d All lands along this river of value for power purposes were in private ownership at the time of the original withdrawal.

^e Not restored.

^f The White River, Utah, withdrawal of February 27, 1909, missed the river at several places. The Geological Survey withdrawal of August 20, 1909, covers these omissions.

Withdrawals originally made in terms of reclamation projects (stated by Reclamation Service on May 25, 1909, to have been for power purposes).

	On recommendation of Reclamation Service.			On recommendation of Geological Survey.		
	With- drawn.	Re- stored.	Approx- imate area.	With- drawn.	Total area.	Entered land.
North Platte River, Wyo.....	1908. Dec. 4	1909. Apr. 6	Acres. 149,120	1909. May 25	Acres. 6,520	Acres. 480
Grand River, Utah.....	do.....	Apr. 10	61,440	July 30	28,410	-----
Yellowstone and trib- utaries, Mont.....	[Dec. 29 1909.	Mar. 27 Apr. 7	435,840	{June 22 Aug. 9	3,747	1,422
Bighorn River, Wyo.....	Feb. 16	Apr. 16				
Green River, Wyo.....	Dec. 31	Apr. 6	271,000	(*)	-----	-----
Colorado River, Utah	Jan. 2	do.....	231,520	{May 26 July 21	39,306	9,295
Bighorn River, Mont.	Feb. 16	Apr. 7	232,960	Aug. 13		
Green River, Utah.....	do.....	do.....	54,400	-----	-----	-----
Total.....	Feb. 17	{Mar. 29 Apr. 15	298,240	Aug. 27	101,680	2,278
Total.....	-----	-----	1,834,520	-----	267,003	13,475

* All lands along this river of value for power purposes were in private ownership at the time of the original withdrawal.

Summary of power-site withdrawals.

	Area of original with- drawal.	Area of present with- drawals.
Reclamation Service withdrawals originally made in terms of "power sites" and restored between March 20 and April 15, 1909.	Acres. 1,417,540	Acres. 154,126
Reclamation Service withdrawals originally made in terms of reclamation projects, but stated by Reclamation Service to have been for power sites.	1,834,520	267,003
Total involved in power-site restorations and subsequent withdrawals.	*3,252,060	421,129
Reclamation Service withdrawals originally made in terms of "power sites" and not restored.	198,400	(*)
Geological Survey power withdrawals covering portions of streams not included in Reclamation Service withdrawals.	-----	152,538

* The area of no value to the Government for power purposes, which was included in the original blanket withdrawals, is 2,831,931 acres.

* Recommendation for restoration and new withdrawal now being prepared.

These withdrawals were so excessive and were made in such a haphazard manner that they not only included the land covered by the water-power sites and the land contiguous thereto, or that was necessary for the erection of the dams and the development and distribution of the power, but included thousands of acres outside. So it came to pass that, owing to the excessive and blanket withdrawals that thus occurred during the last months of Secretary Garfield's administration, when his successor came into office a question was raised as to the legality of those extensive withdrawals.

As I have already stated, almost from the beginning of our public-land system, at all events as early as 1830, and from that day on to the present, this right on the part of the President to withdraw from time to time public lands from sale and entry, for public purposes, has been frequently exercised by the President or under his authority, and when questioned in legal proceedings has always been sustained and upheld by the courts. This power or right, aside from some instances in connection with railroad land grants, which are foreign to the case and which rested on the terms of the grants, was never questioned until during the present administration, and it arose from the excessive withdrawals to which I have referred, which occurred during the last period of the former administration. During the latter part of the administration of Secretary Garfield there was an enormous withdrawal of public lands—blanket withdrawals for water-power purposes and for other purposes.

After the 15th of February, 1909, within less than twenty days before the Secretary retired from office, he withdrew for water-power purposes over 1,000,000 acres of land, and during a part of the same year, running from December, 1908, up to February 17, 1909, he withdrew nearly 2,000,000 acres more, ostensibly for reclamation purposes, but really for so-called "water-power purposes." In other words, about 3,250,000 acres were withdrawn for such purposes.

In my own mind I have no doubt, but I may be astray, that the Secretary had the right to withdraw land for water-power sites to the extent necessary for the development and utilization of the water power. But in these cases the withdrawals were

far in excess of such requirement. Large areas, distant from the power sites and the streams on which the same were located, and in some instances not contiguous to any stream at all, and much of it really in private ownership, was withdrawn in large bodies, and hence it came to pass that owing to these excessive and enormous withdrawals, when the new administration came in, the Secretary of the Interior and his legal advisers questioned the legality and validity of such excessive withdrawals. From that day to this it has been a mooted question, and the purpose of this bill is to settle this question and to determine by express statute the scope and limits of the right of withdrawal.

To my mind this bill limits and restricts rather than enlarges the power the President now possesses in the premises. Away back, when Chicago was a little frontier town, a little hamlet, in 1830 or shortly after that date, the executive department exercised the right of withdrawal at Chicago for a threefold purpose—for an Indian agency, for a military post, and for a light-house station. The warrant for that was found in the preemption law of 1830, which read as follows, so far as it bears on this question:

That no entry or sale of any land shall be made under the provisions of the act which shall have been reserved for the use of the United States, or either of the several States, or which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatsoever.

In this Chicago case the withdrawal was made by the Commissioner of the General Land Office at the request of the Secretary of War, and this was held to be the act of the President. I read from the syllabus of that case:

Appropriation of land by the Government is nothing more or less than setting it apart for some particular use. In the case before the court there has been an appropriation of the land—not only in fact but in law—for a military post, for an Indian agency, and for the erection of a light-house.

By the act of Congress of 1830 all lands are exempted from preemption which are reserved from sale by order of the President of the United States.

The President speaks and acts through the heads of the several departments in relation to subjects which appertain to their respective duties. Both military posts and Indian affairs, including agencies, belong to the War Department. A reservation of lands, made at the request of the Secretary of War for purposes in his department, must be considered as made by the President of the United States within the terms of the act of Congress.

Whenever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands.

There was no specific, no direct law, no statute that said at that time in so many words that the President could withdraw public lands for an Indian agency or for a military post or for a light-house station.

This case (*Wilcox v. Jackson*, 13 Pet. 498) was decided at the January term, 1839.

Mr. BORAH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Yes.
Mr. BORAH. I merely desire to make a suggestion, and will detain the Senator but a moment.

I disagree with the Senator from Minnesota that there was no specific statute authorizing the President to do what he did do. On the other hand, in the decision the court undertakes to find the authority in a statute, and comes to the conclusion that it has found the authority in that statute. It did not undertake to say that the President could do that without statutory authority, but it held that the statute referred to by the court was sufficient to give the authority, and I will in a few moments call the Senate's attention to the statute.

Mr. NELSON. What I said was that there was no statute which in express terms said that the President could withdraw the lands for a light-house, an Indian agency, or a military post. It was based entirely upon the general power in the preemption act of 1830, which gave the President that power; and it was put upon the ground that it was necessary to have military posts, Indian agencies, and light-houses, and that upon that general ground the right of withdrawal existed.

Applying the principle of that case to the matter of water-power sites and the development of water power for electrical purposes—a matter wholly unknown a few years ago—a utilization of such great and important character for the welfare of the American people and of far more importance than an Indian agency or reservation or a reservation for an inland army post, a withdrawal for a water-power site under such condition and for such purpose is a withdrawal for a public use of the highest order.

Let me call your attention further to what the court says in the case cited. This is the language of the court:

Now, this is an appropriation, for that is nothing more nor less than setting apart the thing for some particular use. But it is said that this

appropriation must be made by authority of law. We think that the appropriation in this case was made by authority of law. As far back as the year 1798 (see act of May 3 of that year, vol. 3, Laws U. S., 46) an appropriation was made for the purpose amongst other things of enabling the President of the United States to erect fortifications in such place or places as the public safety should, in his opinion, require.

By the act of 21st of April, 1806 (vol. 4, Laws U. S., 64), the President was authorized to establish trading houses at such posts and places on the frontiers or in the Indian country on either or both sides of the Mississippi River as he should judge most convenient for carrying on trade with the Indians; and by act of June 14, 1809, he was authorized to erect such fortifications as might, in his opinion, be necessary for the protection of the northern and western frontiers.

But there has been a third appropriation—

In this case—

by authority of law. Congress, by law, authorized the erection of a light-house at the mouth of Chicago River—

And so forth.

So the court held in this case, under the general power conferred by the preemption act of 1830, that the President had the general power or right of withdrawal, and that he could exercise such power for a public purpose; that is, for the establishment of a military post, for the building of fortifications, for the establishment of a trading post among the Indians, and for the erection of a light-house.

There was no statute that said in express terms that the President could withdraw for a military post, for an Indian agency, or for a light-house. He passed the general power under the act of 1830, and he exercised it for those several public purposes.

We have another leading case on the subject, which, to my mind, is very clear. It was a case growing out of a land grant in 1846, for the improvement and development of the Des Moines River in Iowa. It is the case of *Wolcott v. Des Moines Company* (5 Wall., 681).

After the law had passed, the lands involved in the grant, both granted and indemnity limits, were withdrawn from sale and entry. They were withdrawn at that time, first by the Secretary of the Treasury, under whose department the land business was conducted at one time, and afterwards by the Secretary of the Interior. In that case there was question as to whether the land grant extended beyond Raccoon Fork of the Des Moines River. After considerable litigation, the Supreme Court of the United States finally decided that the land grant did not extend beyond the mouth of Raccoon Fork, and of course if it did not extend beyond that, there was no occasion to withdraw the lands above the mouth of the Raccoon River. But the withdrawal had been made, and the lands were afterwards sought to be disposed of, and the court held that although the lands above the Raccoon Fork, a branch of the Des Moines River, were not within the terms of the grant, yet the withdrawal was valid and binding upon the Government.

By the act of May 15, 1856 (11 Stat. L., 9), a grant of land was made to Iowa for the construction of railroads; and in the case cited the question was whether these withdrawn Des Moines River lands above the Raccoon Fork were within the exception of the railroad grant contained in the following proviso in the act of Congress of May 15, 1856 (11 Stat. L., 9), making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State, by which proviso it was provided that—

Any and all lands heretofore reserved to the United States, by any act of Congress or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or any other object whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act.

In this case "competent authority" was held to be the Secretary of the Treasury while the land business was under his charge, and the Secretary of the Interior after he was charged with the administration of our public lands, both presumed to act under the direction of the President, who was the ultimate competent authority.

A similar question came up subsequently in reference to land grants in California. The question came before the Supreme Court in the case of *Grisar v. McDowell* (6 Wall., 363). The opinion was written by Justice Field, who sums up the law of the power of withdrawal possessed by the President in the following language:

But, further than this, from an early period in the history of the Government it has been the practice of the President to order, from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses.

The authority of the President in this respect is recognized in numerous acts of Congress. Thus, in the preemption act of May 29, 1830, it is provided that the right of preemption contemplated by the act shall not "extend to any land which is reserved from sale by act of Congress or by order of the President, or which may have been appropriated for any purpose whatever." Again, in the preemption act of September 4, 1841, "lands included in any reservation by any treaty, law, or proclamation of the President of the United States, or reserved for salines or for other purposes," are exempted from entry under the act. So by the act of March 3, 1853, providing for the

survey of the public lands in California and extending the preemption system to them, it is declared that all public lands in that State shall be subject to preemption and offered at public sale, with certain specific exceptions, and among others "of lands appropriated under the authority of this act, or reserved by competent authority." The provisions in the acts of 1830 and 1841 show very clearly that by "competent authority" is meant the authority of the President and officers acting under his direction.

"Competent authority" means the President of the United States, and that that authority can be exercised by one of his executive officers—exercised by the Secretary of the Interior, or by the Commissioner of the General Land Office.

The language of the preemption law of 1841, which remained in force until a few years ago, is as follows:

No land included in any reservation by any treaty, law, or proclamation of the President shall be liable to entry under * * * the provisions of this act.

The exception contained in the general preemption law of 1841 is transferred to the homestead law. The provision of the homestead law is found in section 2289 of the Revised Statutes, and is as follows:

Every person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at \$1.25 per acre.

Under the preemption law no man could preempt or take under that law any land which had been withdrawn from public sale and entry by proclamation of the President.

The homestead law stated that only those lands could be taken under the homestead law which could be taken under the preemption law, so it follows that no land can be taken under the homestead law which has been withdrawn by proclamation of the President.

The same principle holds good under our coal-land law. Under that law no land can be entered that has been "reserved by competent authority." (Sec. 2347, Rev. Stats.)

In our public-land systems the term "public lands" has a well-defined meaning, as interpreted by our courts. The term "public lands" means lands that are open to entry, sale, and disposal, and not lands in a state of reservation. Lands that are in a condition of reservation or reserved for any purpose by executive or competent authority are not, in the eyes of the law, public lands of the United States, although they are lands of the United States.

The timber-culture law of 1874, since repealed, which remained in force until 1901, was limited to public lands of the United States; in other words, lands that were not in a state of reservation. The stone and timber act of 1878, which is still in force, only applies to unappropriated, uninhabited, and unreserved nonmineral lands of the United States.

We have had many instances in our history where the President, the Secretary of the Interior, and the Commissioner of the General Land Office have withdrawn lands for various purposes. I have here, Mr. President, which I ask to have incorporated in my remarks, Senate Document No. 232 of the Fifty-Seventh Congress, first session, which is a report from the Commissioner of the Land Office in response to a resolution calling upon him to give an account of the withdrawals he had made under our public-land law and upon what grounds he had done so.

The document is as follows:

PUBLIC LANDS WITHDRAWN FROM SETTLEMENT, ETC.

DEPARTMENT OF THE INTERIOR,
Washington, March 3, 1902.

SIR: In response to Senate resolution of January 23, 1902, calling for information as to "what, if any, of the public lands have been withdrawn from disposition under the settlement or other laws by order of the Commissioner of the General Land Office, and what, if any, authority of law exists for such order of withdrawal," I have the honor to transmit herewith copy of a letter from the Commissioner of the General Land Office, dated the 28th ultimo, inclosing a list of lands withdrawn by order of the Commissioner of the General Land Office, stating the causes for which such withdrawals were made.

Very respectfully,

THOS. RYAN, Acting Secretary.

THE PRESIDENT OF THE SENATE PRO TEMPORE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 28, 1902.

SIR: I have, by departmental reference, for report in duplicate, Senate resolution of January 13, asking that you "advise the Senate what, if any, of the public lands had been withdrawn from disposition under the settlement or other laws by order of the Commissioner of the General Land Office, and what, if any, authority of law exists for such order of withdrawal."

In response I hereto attach a list of the lands now withdrawn from disposition by order of this office acting of its own motion; and the cause for each separate withdrawal is mentioned in connection with each withdrawal.

Replying to that part of the resolution which asks "What, if any, authority of law exists for such order of withdrawal," I beg to submit that the power of the executive department of the Government to make

reservations of lands for public use, and to temporarily withdraw lands from appropriation by individuals as exigencies might demand, to prevent fraud, to aid in proper administration, and in aid of pending legislation, is one that has been long recognized both in the acts of Congress and the decisions of the courts, as is shown in *Grisar v. McDonald* (6 Wall., 363), where it is said:

"The authority of the President in this respect is recognized by numerous acts of Congress. Thus, in the preemption act of May 29, 1830, it is provided that the right of preemption contemplated by the act shall not extend to any land which is reserved from sale by act of Congress or by order of the President, which may have been appropriated for any purpose whatever."

"Again, in the preemption act of September 4, 1841, 'Lands included in any reservation by any treaty, law, or proclamation of the President of the United States, or reserved for salines or other purposes,' are exempted from entry under the act."

The fact that this power may be exercised by the Executive as an incident to other powers specifically granted has long been recognized by the courts, and its exercise has not been limited to the President's individual act, because in the case of *Wilcox v. Jackson* (13 Pet., 498) a reservation, although made by the Secretary of War, who was not charged with executing the public-land laws, was justified by the Supreme Court in the following language:

"Now, although the immediate agent in requiring this reservation was the Secretary of War, yet we feel justified in presuming that it was done by the approbation and direction of the President. The President speaks and acts through heads of the several departments in relation to the subjects which appertain to their respective duties; . . . hence we consider the act of the War Department in requiring these reservations to be made as being in legal contemplation the act of the President, and, consequently, that the reservation thus made was, in legal effect, a reservation made by the President within the terms of the act of Congress."

Section 441, Revised Statutes, provides:

"The Secretary of the Interior is charged with the supervision of public business relating to the following subjects: . . . the public lands, including mines."

This act gives your department immediate supervision of the public lands belonging to the Government, and its power to make reservations without the immediate sanction of the President and in the absence of a law specifically so directing was recognized by the Supreme Court in *Wolsey v. Chapman* (101 U. S., 755), where the doctrine announced in *Wilcox v. Jackson* (supra) was recognized and adopted, and where it was specifically held that the Secretary of the Interior had the power to withdraw lands from the operation of the public-land laws, and that his act was in contemplation of law an order of the President, and had the same effect as if it had been a proclamation issued by the President for the same purpose.

That this power has been long exercised by the Commissioner of the General Land Office is shown by a reference to the date of some of the withdrawals enumerated in the list hereto attached; and that he has that power as a representative of the Secretary has long been recognized both by your department and the courts. Section 453 of the Revised Statutes provides that—

"The Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the survey and sale of the public lands of the United States, or in any wise respecting such lands, and also such as relate to private claims of land and the issuing of patents for all [grants] of lands under the authority of the Government."

The Supreme Court, in considering the scope of the powers of the head of this office, said, in *Bell v. Hearn* (19 How., 262):

"The Commissioner of the General Land Office exercises a general superintendence over the subordinate officers of his department and is clothed with liberal powers of control, to be exercised for the purposes of justice, and to prevent the consequences of inadvertence, irregularity, mistake, and fraud in the important and extensive operations of that officer for the disposal of the public domain."

It is believed that the language thus used and the cases above cited—with perhaps others in line not cited—fully justify the conclusions arrived at by your department in the case of *Kaweah Cooperative Colony* (12 L. D., 326), where it was said:

"The power exercised in the case under consideration was to prevent the consummation of what he (the commissioner) had reason to believe were fraudulent entries on the public domain, and the authority and right of the commissioner to thus act has for many years been recognized by both the officers of the Government and the courts."

That was a case in which the commissioner of this office, of his own motion, by a telegram, suspended certain lands in California, because he believed that they were about to be appropriated through fraudulent entries.

A reference to your decision in the case of the *Gray Eagle Oil Company v. Clark* (30 L. D., 570) will show that other instances of a similar kind might be cited, but it is believed that an examination of the list submitted, in connection with what has already been said in this letter, will show that such a practice is one of long standing, and, in the language of Secretary Noble in *Kaweah Cooperative Colony's* case, supra, this power has "for many years been recognized by the officers of the Government and by the courts."

The attached list embraces only such lands as were withdrawn by this office, acting on its own motion, in cases where the emergencies appeared to demand such action in furtherance of public interests, and does not include lands withdrawn under express provisions of statutes so directing.

It is possible that other withdrawals have been made, and that some of the withdrawals here enumerated may have been revoked, especially some of those made years ago, but the very hurried manner in which the compilation of the list had to be prepared prevented the exhaustive examinations of the records of this office necessary to ascertain their exact status.

Very respectfully,

BINGER HERMANN, Commissioner.

The SECRETARY OF THE INTERIOR.

List of lands now withdrawn by order of the Commissioner of the General Land Office.

[Compiled pursuant to Senate resolution of January 23, 1902.]

LANDS IN ARIZONA.

Townships 21, 22, and 23, of range 13 east, and township 23 south, range 14 east: Suspended March 11, 1878, at suggestion of register at Florence, Ariz. Supposed to fall within the *Torreón Rancho*, unsur-

vayed. Suspension continued November 16, 1882, on account of preliminary survey of Tumaca and Calabazas, private land claims; January 21, 1884, revoked as to sections not wholly or partly interfered with by claim as surveyed.

Township 26 north, ranges 28 and 29 east, and township 22 south, range 16 east: Suspended December 20, 1883, on account of surveys overlapping Navajo Indian Reservation. Suspended December 20, 1883, on account of encroachment of San Jose de Sonolita claim.

Township 20 north, range 4 west: North tier of section suspended April 15, 1884, until amended plat is furnished by surveyor-general.

Townships 16 and 17 south, range 31 east: Suspended June 2, 1884, until character of lands shall have been ascertained by an examination in the field and further orders communicated.

Townships 6 and 7 south, range 16 east: Suspended August 21, 1884, until further orders. Surveyor-general has been instructed to furnish amended plat showing limits of old Camp Grant Military Reservation.

Township 1 north, range 2 west: West tier of section suspended June 12, 1886.

Parts of township 16 south, range 13 east; township 18 south, range 14 east, and township 19 south, range 14 east: Suspended September 20, 1901, pending acceptance of survey of boundary lines of private land claims, San Ignacio de la Causa.

Sections 1 and 12, township 7 north, range 4 east: Withdrawn September 20, 1900, at request of Commissioner of Indian Affairs. Lands occupied by Indians.

LANDS IN CALIFORNIA.

Townships 3 and 4 south, range 2 east: Fraction adjoining rancho San Jose suspended August 24, 1870. This suspension was made in connection with adjustment of the rancho boundaries (record of final action not found). Supplemental plats ordered.

Townships 26 north, ranges 9 and 10 east, Mount Diablo meridian: Suspended November 23, 1871. Telegram to register and receiver, Susanville, Cal. Questions relative to swamp-land segregations. Suspension revoked April 12, 1872, by letter to register and receiver, Susanville.

Township 1 south, range 10 west, San Bernardino meridian: Part suspended November 14, 1873. (See to surveyor-general.) Interference with private land claims. Suspension partly revoked November 17, 1873, and March 13, 1877.

Township 1 south, range 11 west, San Bernardino meridian: Part suspended November 17, 1873. (See to surveyor-general.) Possible interference with private land claims.

Township 27 north, range 2 east; township 27 north, range 3 east; township 28 north, range 2 east; and township 28 north, range 3 east, Mount Diablo meridian: Suspended May 22, 1874. Letter to register and receiver, Shasta, Cal. Surveys rejected by letter to surveyor-general, California, September 11, 1874. Withdrawal of plats from local land office ordered. New survey ordered. Register and receiver at Shasta advised of rejection and order for withdrawal September 11, 1874.

Townships 45 north, ranges 8, 9, and 10 east; township 46 north, ranges 9 and 10 east; township 47 north, range 9 east; township 48 north, range 8 east; township 44 north, ranges 9 and 10 east, Mount Diablo meridian: Suspended May 22, 1874, by letter to register and receiver, Susanville. Surveys rejected by letter to surveyor-general, California, September 11, 1874, and withdrawal of plats from local land office ordered. New survey ordered. Register and receiver at Susanville advised of rejection and order for withdrawal September 11, 1874.

Townships 1 south, ranges 4 and 5 east; township 2 south, ranges 3, 4, and 5 east; township 3 south, ranges 4, 5, and 6 east; township 4 south, ranges 4, 5, and 6 east; and township 5 south, range 6 east, Humboldt meridian: Suspended May 22, 1874, by letter to register and receiver, Humboldt. Suspension revoked township 1 south, ranges 4 and 5 east; township 2 south, ranges 4 and 5 east; and township 3 south, range 5 east, by letter to register and receiver, Humboldt, September 11, 1874. Survey of township 2 south, range 3 east; township 3 south, ranges 4 and 6 east; township 4 south, ranges 4, 5, and 6 east; and township 5 south, range 6 east, rejected by letter to surveyor-general of California September 11, 1874, and withdrawal of plats from local office ordered. New survey authorized. Register and receiver at Humboldt advised of rejection and order for withdrawal September 11, 1874.

Townships 16 and 17 and 18 north, range 18 east, Mount Diablo meridian: Suspended February 18, 1875, letter to register and receiver, Sacramento. Those portions of the townships colored blue on plats filed July 21, 1875. By new survey of boundary between California and Nevada a strip of land formerly in Nevada was thrown into California. Suspension ordered to prevent erroneous entries and clashing of interests. March 10, 1875, abstract of entries received from register at Carson City, Nev. Sent to register and receiver, Sacramento, with directions to make proper annotations on records.

Townships 12 and 13 north, range 18 east; township 12 north, range 19 east; and township 11 north, range 20 east, San Bernardino meridian: Suspended September 1, 1875. Letter to register and receiver, Sacramento. Lands between old and new state line until receipt from United States land office at Carson City of a statement showing lands within the strip heretofore disposed of in Nevada.

Township 15 north, range 16 west, Mount Diablo meridian: Suspended August 22, 1876. Letter to register and receiver, San Francisco, Cal. Pending examination to show condition of surveys. Suspension revoked April 10, 1877. Letter to register and receiver, San Francisco.

Townships 18, 19, 20, 21, 22, 23, 24, and 25 north, range 10 west, and townships 22 and 23 north, range 11 west, Mount Diablo meridian: Suspended February 17, 1879, by letter to surveyor-general, California. February 17, 1879, and telegram February 24, 1879, on account of irregularities in the surveys. Suspension revoked as to townships 22 and 23 north, range 11 west, April 16, 1879. Letter to register and receiver, San Francisco. Survey of townships 18, 19, 20, 21, 22, 23, 24, and 25 north, range 10 west, rejected by decision Secretary of the Interior April 14, 1879. Surveyor-general and register and receiver, San Francisco, advised of Secretary's decision April 16, 1879.

Township 4 north, range 27 east, Mount Diablo meridian: Survey of part of township rejected by letter to surveyor-general April 30, 1879. Register and receiver, Bodie, Cal., advised same date. Commissioner's decision reversed by Secretary of the Interior January 28, 1880. Surveyor-general and register and receiver advised January 30, 1880, and plat restored as valid.

Townships 25 north, ranges 1, 2, and 4 east, Mount Diablo meridian: Suspended by letter to register and receiver, Marysville, Cal., March 18, 1880, until further orders. Surveys found fraudulent. Township to be

resurveyed. Register and receiver directed, December 3, 1881, to mark plats "Survey canceled."

Townships 25 north, range 5 east, Mount Diablo meridian: Suspended by letter to register and receiver, Marysville, Cal., pending examination in the field. Suspension revoked by telegram August 8, 1883, and letter August 9, 1883, examination proving favorable.

Township 29 north, range 2 east: townships 29, 30, and 31 north, range 1 west; and township 31 north, range 2 west: Suspended by letter to register and receiver, Shasta, Cal., March 18, 1880. Townships to be resurveyed. Register and receiver, Shasta, Cal., directed, December 3, 1881, to mark the plats "Survey canceled."

Township 7 north, range 25 east: Part of township between old and new state lines suspended. Telegram to register and receiver, Bodie, Cal., July 24, 1880, with directions to report disposals already made.

Township 17 north, range 14 west, Mount Diablo meridian: Part of township suspended by letter to surveyor-general, June 11, 1881, pending proposed resurvey. Suspension revoked by letter to register and receiver, San Francisco, July 3, 1884.

Township 11 north, range 2 east; township 11 north, range 3 east; township 13 north, range 1 east; and township 13 north, range 2 east: All tracts within 1 mile of Klamath River suspended, on account of Indian reservation, by telegram to register and receiver, Humboldt, Cal., February 23, 1882.

Township 10 north, ranges 3 and 4 east; township 11 north, ranges 2, 3, and 4 east; township 12 north, ranges 2 and 3 east; and township 13 north, ranges 1 and 2 east, Humboldt meridian: Suspended December 11, 1884, by letter to register and receiver, Humboldt, Cal., on account of great irregularities developed by examination in the field. Resurvey probable. Township 10 north, ranges 3 and 4 east, relieved from suspension by letter to register and receiver, Humboldt, October 8, 1892. Township 12 north, range 3 east, relieved from suspension January 9, 1896, by letter to register and receiver, Humboldt, Cal. Township 11 north, range 4 east, relieved from suspension April 21, 1896, by letter to register and receiver, Humboldt, Cal.

Townships 4 and 5 north, range 19 west, and township 4 north, range 20 west, San Bernardino meridian: Suspended July 15, 1885, by letter to register and receiver, Los Angeles, Cal., on account of undetermined character of land and a report of a special agent that surveys of parts of the townships made by George S. Collins were erroneous. Suspension revoked as to all lands in these townships not surveyed by Collins, by letter to register and receiver, Los Angeles, Cal., November 13, 1886. Suspension revoked as to that part of township 4 north, range 20 west, surveyed by Collins, by letter to register and receiver, Los Angeles, April 30, 1894, thus restoring to entry all of this township.

Townships 17 and 19 south, range 14 east; townships 13, 15, and 16 south, range 26 east; townships 15 and 16 south, range 29 east; townships 13, 14, 15, 16, 17, and 18 south, range 30 east; townships 15, 16, and 18 south, range 31 east; and townships 17 and 18 south, range 32 east: Suspended December 24, 1885, by letter to register and receiver, Visalia, Cal. Suspension based on report of Inspector Wharton in matter of certain supposed fraudulent timber-land entries. (Report December 1, 1885. Div. "A.") Townships 15 and 16 south, range 26 east, relieved from suspension by letter to register and receiver, Visalia, April 30, 1892. Townships 17 and 19 south, range 14 east, relieved from suspension by letter to register and receiver, Visalia, September 13, 1894.

Township 21 south, range 30 east, Mount Diablo meridian: Suspended April 17, 1886, by letter to register and receiver, Visalia, Cal. Suspended on account of alleged fraud in the survey. Modified January 17 and March 25, 1898, so as to release from suspension certain lands embraced in homestead entries.

Townships 5 north, ranges 6 and 7 east; townships 6 and 7 north, ranges 5, 6, and 7 east; township 4 north, range 6 east; township 12 north, ranges 4, 5, 6, and 7 east; township 13 north, ranges 3, 4, 5, 6, and 7 east; and township 14 north, ranges 2, 3, 4, and 5 east: Suspended April 27, 1886, by letter to register and receiver, Humboldt, Cal. Suspension ordered on account of suspected fraud in the surveys. Suspension revoked January 9, 1896, as to township 5 north, range 6 east; township 5 north, range 7 east; township 6 north, range 5 east; township 6 north, range 6 east; township 6 north, range 7 east; and township 7 north, range 5 east. Suspension revoked April 21, 1896, as to township 7 north, ranges 6 and 7 east; township 4 north, range 6 east; township 12 north, ranges 4, 5, 6, and 7 east; township 13 north, ranges 3, 4, 5, 6, and 7 east; and township 14 north, ranges 3, 4, and 5 east.

Townships 37 and 38 north, range 12 west, Mount Diablo meridian. Township 8 north, range 8 east, and township 9 north, range 9 east, Humboldt meridian: Suspended September 6, 1886, by letter to register and receiver, Humboldt, Cal. Suspension made because of allegations of irregularities in the surveys, forwarded through the surveyor-general of California. Townships 8 and 9, range 8 east, relieved from suspension by letter to register and receiver, Humboldt, April 21, 1896.

Township 10 north, range 17 west, Mount Diablo meridian: Suspended February 12, 1889, by letter to register and receiver, Los Angeles, Cal. Suspension ordered upon verbal request of surveyor-general of California, there being an apparent conflict of public land surveys with Rancho Los Alamos y Agua Coliente. Attention of surveyor-general called to this suspension by letter February 8, 1894, and by letter February 19, 1894. The surveyor-general recommended that suspension be continued.

Townships 9 north, ranges 17 and 18 west, and township 10 north, ranges 16 and 17 west, San Bernardino meridian: Suspended December 7, 1895, by letter to register and receiver, Los Angeles. Suspension advised in consequence of discrepancies between old and new surveys in said townships. Suspension of township 9 north, ranges 17 and 18 west, revoked by letter to register and receiver, October 8, 1896.

Township 12 north, range 17 east, Mount Diablo meridian: Suspended October 23, 1896, by telegram to register and receiver, Sacramento, Cal. Action taken upon request of United States Senators from California. Reservation of the lands suggested.

West one-half lot 1 in northwest quarter section 6, township 13 south, range 35 east, and lot 1 in northeast quarter section 1, township 13 south, range 24 east: Withdrawn at request of Commissioner of Indian Affairs, pending investigation of certain Indian rights.

The following lands were withdrawn September 15, 1900, because of alleged mineral character: Townships 12, 13, and 14 north, range 2 west, Mount Diablo meridian; townships 12, 13, and 14 north, range 3 west, Mount Diablo meridian; townships 12, 13, 14, 15, 16, 17, and 18 north, range 4 west, Mount Diablo meridian; townships 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 north, range 5 west, Mount Diablo meridian; townships 17, 18, 19, 20, 21, and 22 north, range 6 west, Mount Diablo meridian; townships 20, 21, and 22 north, range 7 west, Mount Diablo meridian.

The following lands were withdrawn February 21, 1900, because of alleged mineral character: Township 11 north, range 23 west, San

Bernardino meridian; township 11 north, range 24 west, San Bernardino meridian; township 12 north, range 23 west, San Bernardino meridian.

The following lands were withdrawn August 28, 1900, because of alleged mineral character: Townships 11 and 12 north, range 28 west, San Bernardino meridian.

The following lands were withdrawn August 11, 1900, because of alleged mineral character: Townships 2 and 3 south, ranges 1, 2, and 3 west, San Bernardino meridian; township 1 south, ranges 16, 17, 18, 19, and 20 west, San Bernardino meridian; township 32 south, range 20 east, Mount Diablo meridian.

The following lands were withdrawn February 28, 1900, because of alleged mineral character: Township 13 south, ranges 10 and 11 east; township 14 south, ranges 10, 11, and 12 east; township 15 south, ranges 10, 11, and 12 east; township 16 south, ranges 12, 13, and 14 east; township 17 south, ranges 12, 13, and 14 east; township 18 south, ranges 13, 14, and 15 east; township 19 south, range 16 east; township 20 south, ranges 14 and 15 east; township 21 south, ranges 15 and 16 east; township 22 south, ranges 15, 16, 17, and 18 east; township 23 south, ranges 16, 17, and 18 east; township 24 south, ranges 17, 18, and 19 east; townships 25 and 26 south, range 19 east; township 27 south, ranges 18 and 19 east; township 28 south, ranges 18, 19, and 20 east; township 29 south, range 20 east; township 30 south, range 23 east; township 25 south, ranges 26, 27, and 28 east; township 26 south, ranges 26, 27, and 28 east; township 27 south, ranges 27, 28, and 29 east, Mount Diablo meridian.

The following lands were withdrawn December 18, 1900, because of alleged mineral character: Township 17 south, range 11 east, Mount Diablo meridian.

The following lands were withdrawn February 26, 1900, because of alleged mineral character: Township 25 south, ranges 17 and 18 east; township 26 south, ranges 17 and 18 east; township 29 south, ranges 21 and 22 east, and township 30 south, ranges 21 and 22 east, Mount Diablo meridian.

The following lands were withdrawn February 21, 1900, because of alleged mineral character: Township 31 south, ranges 22 and 23 east; township 32 south, ranges 22 and 23 east; township 32 south, range 24 east; township 31 south, ranges 24 and 25 east; township 32 south, range 25 east; township 28 south, ranges 27, 28, and 29 east; and township 29 south, ranges 27, 28, and 29 east, Mount Diablo meridian.

LANDS IN COLORADO.

Township 29 south, ranges 72 and 73 west; township 30 south, ranges 72 and 73 west; and part of township 28 south, range 70 west, sixth principal meridian. Part township 36 north, range 11 east, New Mexico principal meridian: Suspended August 15, 1876, by letter to register and receiver, Del Norte, Colo., on account of protest of claimant of Sangre de Cristo grant against disposal of public lands within boundaries of the grant. Instructions as to suspension repeated April 13, 1877. Township 36 north, range 11 east, relieved April 30, 1884; letter to register and receiver, Del Norte.

West one-half of townships 13, 14, and 15 south, range 86 west, sixth principal meridian: Suspended October 7, 1880; letter to register and receiver, Leadville, Colo. Lands apparently falling within Ute Indian Reservation. Lands not subject to homestead. To be sold for cash (act June 15, 1880) after issue of necessary instructions. Lands falling east of Ute boundary relieved June 16, 1883; to register and receiver, Gunnison, Colo. Lands west of boundary to be sold for cash only. This last order appears to revoke the suspension from and after receipt of amended plats showing boundary.

Township 33 south, ranges 66, 67, and 68 west, and townships 34 south, ranges 62, 63, 64, 65, and 66 west, sixth principal meridian: All lands in said townships south of north boundary of Beaubien and Miranda private land claim and all legal subdivisions which appear to be intersected by said boundary, as shown on an inclosed diagram, showing approximate limits of said north boundary, suspended by letter to register and receiver, Pueblo, February 2, 1881.

Townships 1 and 2 north, range 75 west; townships 1 and 2 north, range 76 west; township 1 south, ranges 77, 78, 79, and 80 west; and township 2 south, range 74 west, sixth principal meridian: Suspended March 31, 1883; letter to register and receiver, Central City, on account of defects and irregularities in the survey. Township 2 south, range 74 west, relieved from suspension June 21, 1884; letter to register and receiver, Central City. Township 1 south, range 79 west, relieved from suspension May 3, 1888; letter to register and receiver, Central City, and to surveyor-general, Colorado. Township 1 south, ranges 77 and 78 west; townships 1 and 2 north, range 75 west, and township 1, range 76 west, relieved from suspension July 31, 1891; letter to register and receiver, Central City.

Township 43 north, range 8 west, New Mexico principal meridian: Suspended March 31, 1883; letter to register and receiver, Lake City, on account of defects and irregularities in the survey.

Township 39 north, range 8 west, New Mexico principal meridian: Suspended March 31, 1883—letter to register and receiver, Durango—on account of defects and irregularities in the survey.

Township 48 north, range 7 east, New Mexico principal meridian: Suspended August 28, 1883—letter to register and receiver, Del Norte, Colo.—on account of erroneous surveys.

Township 48 north, range 6 east; township 50 north, range 3 east; townships 50 and 51 north, range 4 east, and townships 50 and 51 north, range 5 east, New Mexico principal meridian: Suspended August 28, 1883—letter to register and receiver, Gunnison—on account of erroneous surveys. Townships 50 and 51 north, ranges 4 and 5 east, suspensions revoked June 28, 1890, by letter to register and receiver, Gunnison, Colo. (Recommendation of surveyor-general.) Township 50 north, range 3 east—suspension revoked March 2, 1891—letter to register and receiver, Gunnison. (Settlers satisfied with the survey.)

Townships 2, 3, and 4 south, range 75 west; townships 2, 3, and 4 south, range 76 west; townships 2, 3, and 4 south, range 77 west; townships 2, 3, and 4 south, range 78 west; townships 2, 3, and 4 south, range 79 west; townships 2, 3, and 4 south, range 80 west, and townships 5, ranges 77, 78, 79, and 80 west, sixth principal meridian: Suspended December 12, 1883—letter to register and receiver, Central City, Colo. Examination in field proved surveys fraudulent. Townships 5 south, ranges 77 and 78 west, and the resurveyed parts of townships 2 south, ranges 77 and 78 west; township 3 south, range 77 west; township 4 south, range 79 west, and township 5 south, range 80 west, relieved from suspension July 15, 1892, by letter to register and receiver, Central City.

Township 42 north, range 8 west, New Mexico principal meridian: Suspended February 12, 1884—letter to register and receiver, Durango, Colo.—on account of alleged errors or defects in survey. August 1,

1894, surveyor-general reported only remedy for existing conditions would be a resurvey.

Township 43 north, range 8 west, New Mexico principal meridian: Suspended March 31, 1883—letter to register and receiver, Lake City, Colo.—on account of apparent irregularities in survey.

Township 10 south, range 84 west; townships 9 and 10 south, range 85 west; townships 8 and 9 south, range 86 west; townships 6, 7, and 8 south, range 87 west; township 7 south, range 88 west, and township 6 south, range 89 west, sixth principal meridian: Suspended April 24, 1891: letter to register and receiver, Glenwood Springs.

Township 10 south, range 84 west; townships 9 and 10 south, range 85 west; townships 8 and 9 south, range 86 west: Originally suspended September 18, 1886.

Townships 6, 7, and 8 south, range 87 west; township 7 south, range 88 west, and township 6 south, range 89 west: Originally suspended August 17, 1886.

Township 10 south, range 85 west; townships 7 and 8 south, range 87 west, and townships 7 and 8 south, range 88 west: Relieved May 9, 1891; letter to register and receiver, Glenwood Springs.

Township 8 south, range 86 west, and townships 6 south, ranges 87 and 89 west: Relieved July 3, 1891; letter to register and receiver, Glenwood Springs.

Township 10 south, range 84 west: Relieved December 30, 1891; letter to register and receiver, Glenwood Springs.

Townships 9 south, ranges 85 and 86 west: Relieved January 29, 1892; letter to register and receiver, Glenwood Springs.

Townships 8 south, ranges 84 and 85 west: Virtually relieved by the filing of plats of resurveys. Accepted November 30, 1889.

Of the townships suspended by letters to the register and receiver at Glenwood Springs August 17 and September 18, 1886, and to the register and receiver at Leadville September 18, 1886, it would appear from the record that there has been no revocation of the suspension of.

Townships 8, 9, and 10 south, range 81 west; townships 6, 7, 8, 9, and 10 south, range 82 west; townships 6, 7, 8, 9, and 10 south, range 83 west; townships 6 and 7 south, range 84 west; townships 6 and 7 south, range 85 west; townships 6, 7, and 10 south, range 86 west; townships 9 and 10 south, range 87 west; townships 6, 9, and 10 south, range 88 west, and township 8 south, range 89 west.

In the townships which have been relieved from suspension the valley portions have been resurveyed.

Townships 6, 7, 8, 9, and 10 south, range 87 west; townships 6, 7, 8, 9, and 10 south, range 88 west; and townships 6, 7, and 8 south, range 89 west, sixth principal meridian: Suspended August 17, 1885—letter to register and receiver, Glenwood Springs—on account of erroneous surveys.

Township 7 south, range 89 west (resurveyed): Relieved December 6, 1888; letter to register and receiver, Glenwood Springs.

Township 6 south, range 89 west: Relieved January 5, 1889.

Townships 7 and 8 south, range 87 west; townships 7 and 8 south, range 88 west, and township 10 south, range 85 west: Relieved May 9, 1891; letter to register and receiver, Glenwood Springs.

To register and receiver, Glenwood Springs, September 26, 1885: Mining claims connected with mineral monuments may be entered.

Townships 6, 7, 8, 9, and 10 south, range 83 west; townships 6, 7, 8, 9, and 10 south, range 84 west; townships 6, 7, 8, 9, and 10 south, range 85 west; townships 6, 7, 8, 9, and 10 south, range 86 west, sixth principal meridian: Suspended September 18, 1886; letter to register and receiver, Glenwood Springs. Surveyor-general reported surveys fictitious.

Township 10 south, ranges 84 and 85 west; township 9 south, ranges 85 and 86 west, and township 8 south, ranges 84, 85, and 86 west: New surveys accepted November 30, 1889.

To register and receiver, Glenwood Springs, October 16, 1886: Suspension does not apply to mining claims connected with mineral monuments.

Townships 6 and 7 south, range 82 west; townships 8, 9, and 10 south, range 81 west, and townships 8, 9, and 10 south, range 72 west, sixth principal meridian: Suspended September 18, 1886; letter to register and receiver, Leadville, Colo. Surveyor-general reported survey fictitious.

Townships 41 and 42 north, range 7 west, New Mexico principal meridian: Suspended March 20, 1886—letter to register and receiver, Durango, Colo.—on account of many allegations of fraud in survey, supported by affidavits. (See from T. M. Triffin, January 7, 1886. See to S. A. Cole, November 6, 1894. No present action can be taken as to resurvey.)

Townships 41, 42, and 43 north, range 6 west, New Mexico principal meridian: Suspended March 20, 1886—letter to register and receiver, Durango, Colo.—on account of many allegations of fraud in the survey, supported by affidavits. (See from T. M. Triffin, January 7, 1886. See to S. A. Cole, November 6, 1894. No present action can be taken as to resurvey.)

Township 10 south, range 71 west, sixth principal meridian: Suspended October 28, 1886—letter to register and receiver, Central City, Colo.—on affidavit of a United States deputy surveyor and settler that survey was fraudulent.

Township 7 south, range 78 west, sixth principal meridian: Suspended April 9, 1887—letter to register and receiver, Leadville, Colo.—except mineral claims connected with mineral monuments, on affidavit of United States deputy mineral surveyor, were incorrect.

Township 7 south, range 79 west, sixth principal meridian: Suspended December 7, 1887—letter to register and receiver, Leadville, Colo.—on account of allegations, supported by affidavits, forwarded through the surveyor-general of Colorado, that the survey was fraudulent.

Lands embraced in one homestead entry relieved from suspension August 6, 1896, suspension of remainder continuing in force.

Township 36 north, range 4 east, New Mexico principal meridian: Suspended February 11, 1889; letter to register and receiver, Del Norte, Colo. Recommended by surveyor-general of Colorado on report of a deputy mineral surveyor that there was no evidence of survey upon the ground.

Suspension revoked May 13, 1892—letter to register and receiver, Del Norte—upon recommendation of surveyor-general, based upon petition of settlers, corroborated by the deputy who formerly reported against the survey. Deputy states that his former report referred to mineral region in southern and southwestern part of the township and did not affect the location of settlers.

Townships 11 and 12 south, range 83 west; townships 11 and 12 south, range 84 west; townships 11 and 12 south, range 85 west; and township 12 south, range 86 west, sixth principal meridian: Suspended February 15, 1889. Letter to register and receiver, Gunnison and Glenwood Springs, Colo., upon reports and affidavits of deputy mineral

surveyors, forwarded through surveyor-general of Colorado, alleging irregularity and incorrectness of survey.

Townships 38 and 39 north, range 6 west, and townships 38 and 39 north, range 7 west, New Mexico principal meridian: Suspended February 28, 1889. Letter to register and receiver, Durango, upon affidavits of county surveyor and others, forwarded by surveyor-general of Colorado, alleging that there was no trace of lines and corners in said townships.

Township 37 north, range 10 west, and township 7 north, range 11 west, New Mexico principal meridian: Suspended April 26, 1889. Letter to register and receiver, Durango. Recommended by surveyor-general of Colorado, April 15, 1889, who transmits report of deputy mineral surveyor and affidavits of two parties as to absence of all evidence of surveys.

Townships 40 north, ranges 6, 7, 8, and 9 west; township 41 north, range 8 west, and part of township 41 north, range 9 west, New Mexico principal meridian: Suspended March 28, 1891. Letter to register and receiver, Durango, except for mineral lands, upon petition of United States deputy mineral surveyors, with affidavits, stating that surveys are, for most part, fraudulent. Not 10 per cent of corners can be established.

Township 42 north, range 1 east, and township 42 north, range 1 west, New Mexico principal meridian: Suspended February 26, 1892. Telegram to register and receiver, Del Norte, upon allegations of fraud and irregularities in the surveys, supported by affidavits forwarded by surveyor-general and recommended by register at Del Norte. An examination in the field showed that no subdivisional survey had been made in township 42 north, range 1 east, and that the survey of township 42 north, range 1 west, was irregular and many corners missing.

Township 38 north, range 5 west, New Mexico principal meridian: Embracing "Emerald Lake." Withdrawn from further settlement or appropriation by telegram "P" October 7, 1897, to register and receiver, Durango.

Township 32 north, range 13 west, New Mexico principal meridian (part in Colorado): Suspended June 21, 1899. Letter to register and receiver, Durango, pending determination of true position of state boundary.

Relieved, except west tier of sections, April 26, 1900. Letters to register and receiver, Durango, Colo., and Santa Fe, N. Mex.

Township 43 north, range 4 west, New Mexico principal meridian: Suspended December 13, 1900. Letter to register and receiver, Gunnison, upon testimony of United States deputy mineral surveyors that the survey was grossly incorrect, the townships being only 4½ instead of 6 miles wide.

On September 26, 1891, the following lands were withdrawn on petition of the governor of Colorado, asking for establishment of a forest reserve, and on recommendation of a special agent.

So much of townships 7 south, ranges 70, 71, and 72 west, as lies south of the North Fork of the South Platte River.

Townships 8 and 9 south, ranges 71 and 72 west.

So much of townships 8 south, 70 west, 9 south, 70 west, and 10 south, 70 west, as lies west of the Middle Fork of the Platte River.

Sections 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, township 21 south, range 68 west.

Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, township 22 south, range 68 west.

Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, township 23 south, range 68 west.

The whole of township 24 south, range 68 west.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, township 25 south, range 68 west.

Sections 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, township 21 south, range 68 west.

The whole of township 22 south, range 69 west.

The whole of township 23 south, range 69 west.

Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, and 20, township 24 south, range 59 west.

So much of township 7 south, ranges 72, 73, and 74 west, as lies south of the North Fork of the South Platte River.

Townships 8 south, ranges 72, 73, and 74 west.

Townships 9 south, ranges 72 and 73, and so much of townships 97 and 74 as lies north of Tarryall Creek.

So much of township 10 south, ranges 72 and 73, as lies north of Tarryall Creek.

So much of township 11 south, ranges 71 and 72 west, as lies north of Tarryall Creek.

Of these lands, all but those inclosed in red parentheses and the west one-half of township 9 south, range 97 west, were afterwards included in forest reserves.

On October 7, 1897, township 38 north, range 5 west, N. M. P. M., was withdrawn on suggestion of surveyor-general, pending consideration of advisability of creating a forest reserve.

LANDS IN FLORIDA.

Townships 50 south, ranges 32 and 33 east, and township 52 south, range 33 east: Suspended June 8, 1886; letter to register and receiver, Gainesville. Townships surveyed without due authority. Payment to surveyor refused.

LANDS IN IDAHO.

Townships 6 and 7 south, range 39 east: Suspended August 30, 1883—letter to register and receiver, Oxford—on account of defective surveys.

Township 7 south, range 39 east: Partly relieved April 12, 1888; letter to surveyor-general, Idaho.

Townships 44 north, ranges 4 and 5 west: Suspended December 10, 1872; letter to surveyor-general pending definite location of the Cœur d'Alene Indian Reservation.

LANDS IN LOUISIANA.

Township 10 south, range 5 east, southeast district: Suspended November 26, 1881; letter to register and receiver, New Orleans. (See, also, to register and receiver, July 19, 1882.)

Lands south of old William Conway line of Houmas grant, and east of claimed line of John McDonough grant.

Townships 1 and 2 north, range 10 west, and townships 1 and 2 north, range 11 west: Suspended May 5, 1883; letter to register and receiver, Natchitoches, pending correction of survey.

Resurveys returned and accepted. New plats ordered to be filed in local land office.

LANDS IN MINNESOTA.

Townships 148 north, ranges 32 and 33 west, fifth principal meridian: Suspended March 4, 1875; letter to surveyor-general. Townships partly within Red Lake Indian Reservation.

Relieved January 11, 1876, as to lands outside the reservation; letter to surveyor-general.

Townships 60 north, ranges 21 and 22 west, fourth principal meridian; Suspended September 18, 1882; telegram to surveyor-general. Under general order September 18, 1882, to withhold all townships plats from local offices at Duluth and St. Cloud until further orders.

Suspension revoked October 12, 1882; letter to surveyor-general.

Township 61 north, range 14 west, fourth principal meridian: Suspended September 24, 1883—letter to surveyor-general. Examination by special agent showed that deputy reported as swamp lands that were high and dry, and vice versa. Deputy returned to field and corrected descriptions. Cancellation of old plat ordered and amended plat authorized.

Sections 1 and 2, township 151 north, range 26 west, and sections 35 and 36, township 152 north, range 26 west: Withdrawn January 27, 1902, pending adjustment of certain Sioux half-breed scrip.

LANDS IN MONTANA.

Townships 21 and 19 north, range 59 east, and township 19 north, range 58 east: Suspended July 15, 1885; letter to register and receiver, Miles City. Upon examination in the field it was found that township 19 north, range 58 east, was only partly surveyed and no signs of survey in the other townships.

Township 23 north, range 59 east: Suspended October 21, 1885; letter to register and receiver, Miles City. Reported by examiner of surveys to be only partially surveyed.

That part of township 23 north, range 59 west, west of Yellowstone, relieved from suspension November 21, 1887; letter to register and receiver, Miles City.

West tiers of sections in townships 6, 7, 8, 9, and 10 south, range 22 east: Suspended April 19, 1901; letter to register and receiver, Bozeman, and to surveyor-general, pending investigation of the survey thereof.

The field examination shows overlapping of the surveys.

By telegram of October 18, 1900, to the register and receiver at Helena, Mont., the following-described lands were withdrawn "from settlement, sale, or other disposition, for proposed Elkhorn Forest Reserve": withdrawal made on recommendation of Special Land Inspector J. W. Zevely and on recommendation of Forest Superintendent J. B. Collins.

The question of the advisability of establishing the reserve is still under consideration; withdrawal still in force:

Townships 6, 7, and 8 north, range 1 east, west of the Missouri River.

Townships 6, 7, and 8 north, range 1 west.

Townships 6, 7, and 8, and south half 9 north, range 2 west.

Townships 6 and 7, and sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, and east half 32, township 8, and sections 24, 25, 36, and east half 35, township 9 north, range 3 west.

LANDS IN NEBRASKA.

Township 8 north, range 30 west: Suspended January 4, 1901—letter to register and receiver, McCook—pending resurvey authorized by Congress.

There are 2,228.09 acres in the Great Sioux Reservation in Nebraska, originally selected and certified to the State of Nebraska, which selection was void, but the lands are withheld from adverse appropriation under departmental decision of May 5, 1899 (28 L. D., 358), to afford the State opportunity to procure legislative relief.

LANDS IN NEVADA.

Parts of townships 16, 17, and 18 north, range 18 east, parts townships 31 and 32 north, range 17 east, and parts townships 34, 38, 39, and 43 north, range 17 east: Suspended February 18, 1875; letter to register and receiver, Carson City.

By new survey of California, Nevada state boundary lands, formerly in Nevada, were thrown into California, necessitating changes in the plats of townships intersected by the new line.

This matter has been adjusted by preparation and filing of proper plats.

Townships 38, 39, and 40 north, range 45 east, townships 39 and 40 north, range 46 east, townships 39 and 40 north, range 47 east, and townships 36, 37, 38, 39, and 40 north, range 48 east, contract No. 174: Suspended February 6, 1886; letter to register and receiver, Eureka, Nev.

Upon report of an inspector that the surveys were fraudulent and defective, and that there were underhand proceedings on the part of the surveyor-general and deputies in the matter of the filing of the plats in local office whereby certain parties obtained advantages over others in the disposal of the land.

Suspension revoked as to townships 38, 39, and 40 north, range 45 east, township 39 north, range 46 east, townships 39 and 40 north, range 47 east, and township 40 north, range 48 east, by letter to register and receiver, Eureka, June 18, 1889.

Townships 38, 39, and 40 north, range 44 east, contract No. 174: Suspended February 6, 1886; letter to register and receiver, Carson City.

Upon report of an inspector that the surveys were fraudulent and defective, and that there were underhand proceedings on that part of the surveyor-general and deputies in the matter of the filing of the plats in local office whereby certain parties obtained advantages over others in the disposal of the land.

Suspension revoked June, 1889; letter to register and receiver, Carson City.

Townships 36 and 37 north, range 45 east; townships 37 and 38 north, range 46 east; townships 37 and 38 north, range 47 east; townships 16, 17, 18, 19, and 20 north, range 59 east; and township 34 north, range 60 east. Also same date, township 36 north, range 38 east, by letter to register and receiver, Carson City. Contract No. 174: Suspended August 16, 1886, letter to register and receiver, Eureka. Parts of townships surveyed by McClellan and Bridges under their contract No. 174.

The surveyor-general was notified of the acceptance of these surveys (March 31, 1885), but subsequently payment was withheld pending an examination in the field, and the register and receiver at Eureka and Carson City were directed to suspend disposals pending such examination.

Two experienced United States deputy surveyors were employed to make the necessary examinations. Based upon their reports, the surveys were rejected May 3, 1888, as defective and fraudulent.

The examination included townships 38 and 39 north, range 40 east, which had been previously paid for and which were suspended by the order of February 6, 1885, noted on page 29 of this memorandum.

In March, 1896, Deputies E. C. McClellan and Bridges filed an affidavit stating that the deputies (McClellan and Bridges) had never

received the notification requested by the commissioner's letter of May 3, 1888. Thereupon the commissioner authorized an office examination of the returns, the result of which was the acceptance of the surveys rejected May 3, 1888, and the authorization of the filing of the township plats in the proper local land office.

The virtual effect of this acceptance of surveys, theretofore rejected as fraudulent, was the revocation of the suspension ordered in the letters to the registers and receivers dated August 16, 1886. The register and receiver at Carson City, Nev., was advised accordingly by letter dated April 19, 1899.

Township 36 north, range 55 east: Suspended November 13, 1894—letter to register and receiver, Carson City—until filing a new plat. Upon request of surveyor-general.

Township 15 south, range 70 east: Suspended February 5, 1902; letter to register and receiver, Carson City. Recommended by the surveyor-general. Affidavits of five residents in vicinity; no corners in township for the location of claims.

LANDS IN NEW MEXICO.

Township 14 north, range 8 east: Suspended January 7, 1873; letter to surveyor-general, withdrawal of plat from local land office.

Survey illegally approved by the "chief clerk" of surveyor-general's office.

Personal examination by surveyor-general ordered. Land alleged to be notoriously mineral, although returned as agricultural.

Commissioner's instructions carried out, and on May 1, 1873, filing of amended plat was ordered.

Townships 29 north, ranges 14, 15, and 16 west: Suspended June 27, 1881; telegram to register and receiver, Santa Fe.

Lands partly in Navajo Indian Reservation requiring additional survey (meander of Navajo River) to separate public lands from the reservation.

Additional survey executed and correct plats made.

Townships 31 north, ranges 11 and 12 east; township 30 north, range 13 east; and township 10 north, range 15 east: Suspended January 15, 1882; letter to surveyor-general.

Townships 31 north, ranges 11 and 12 east, and township 30 north, range 13 east: For possible conflict with south boundary Sangre de Christo grant.

Township 10 north, range 15 east: Possible conflict with Lorenzo Marquez grant for the San Miguel del Bodo tract.

Revoked as to township 10 north, range 15 east, April 20, 1900; letter to surveyor-general. Authority given to file township plat.

Townships 18 north, ranges 9 and 10 east: So much as may be ascertained to be within certain private-land-claim limits.

Townships 30, 31, and 32 north, range 13 west: Suspended August 16, 1882—letter to surveyor-general—for the reason that one survey of same had been made as public lands under contract with the surveyor-general and another survey by surveyors under contract with General Land Office for allotments to the Ute Indians. Surveyor-general directed to instruct local land office to suspend disposals until further orders.

Suspension revoked August 12, 1896; letter to register and receiver, Santa Fe.

Surveyor-general advised December 10, 1897, that a field examination would be made in township 32 north, range 13 west, in view of apparent discrepancies in areas.

New plat township 32 north, range 13 west, sent to register and receiver, Santa Fe, April 26, 1900, and suspension renewed as to western tier of sections. Not properly surveyed.

Townships 8 south, ranges 7 and 8 west: Suspended April 20, 1883—letter to register and receiver, Mesilla—on account of obliteration of certain corners, and pending acceptance of resurvey. Record of further action not found.

Townships 13 north, ranges 2 and 3 east, and township 14 north, range 2 east: Suspended March 11, 1886—letter to register and receiver, Santa Fe—on account of reported incorrect surveys. Record of subsequent action not found.

Township 13 north, range 1 east, and township 30 north, range 13 east: Suspended April 7, 1886, and May 11, 1886—letters to register and receiver, Santa Fe—on account of corrections necessary in the plats.

Township 30 north, range 13 east, relieved by letter to register and receiver, Santa Fe, May 28, 1886, to take effect upon filing of triplicate plat.

Record of subsequent action regarding township 13 north, range 1 east, not found.

Township 9 north, range 6 east: Suspended February 18, 1893; letter to register and receiver, Santa Fe. Township reported to be within the claimed limits of the Rancho Canon de Carme.

Township 24 south, range 2 east, part west of Hugh Stephenson grant, and part of township 25 south, range 2 east: Suspended September 4, 1888; telegram to register and receiver, Las Cruces. Conflict with claimed limits of Santo Tomas de Thurbide Colony grant.

Township 17 north, range 11 east: Suspended October 21, 1889—letter to register and receiver, Santa Fe—on account of discrepancies in survey.

Suspension revoked February 25, 1895, so far as concerns lawful entries made prior to President's proclamation making said township a part of the Pecos River Forest Reserve. Letter to register and receiver, Santa Fe.

Townships 13, 14, 18, and 19, range 21 west, and west tier of sections of townships 1, 20, and 21, range 21 west: Suspended by letters to register and receiver, Las Cruces, July 21, 1888, August 17, 1888, and June 21, 1890. Surveys apparently extending across the boundary between New Mexico and Arizona.

Townships 13, 14, 18, and 19 south, range 21 west: Suspension revoked January 9, 1892—letter to register and receiver, Las Cruces—proper closings having been made on the Arizona and New Mexico boundary.

Part township 27 north, range 13 east: Suspended June 29, 1895, letter to register and receiver, Santa Fe. Township partly covered by approved survey of private claims.

Entire township suspended February 17, 1898, letter to register and receiver, Santa Fe. Approximately whole township covered by two private grants.

In the execution of the surveys of the private claims the surveyors made no connections with the township surveys for the reason that none of the corners thereof could be found.

Townships 5 and 6 north, range 1 east, townships 5 and 6 north, range 2 east, and townships 22, 23, and 24 north, range 6 east: Plats withdrawn from files by letter to register and receiver, Santa Fe, August 26, 1896, upon recommendation of surveyor-general.

^b Not known.

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.
ALASKA—continued.	
In the vicinity of Dyea—Continued.	
President's order, Nov. 21, 1902.	
1. Beginning at northwest corner of said military reservation (corner 4 of existing reservation); thence south 2,007 feet to corner 2 on the east shore of Chilkat Inlet; thence meandering along the said shore of the Chilkat Inlet S. 41° 34' E. 18,945 feet to corner 3; thence across the peninsula to the west shore of Lynn Canal, east 7,300 feet, more or less, to corner 4; thence meandering along the shore of Lynn Canal N. 41° 00' W. 11,943 feet, more or less, to corner 5 (corner 2 of existing reservation); thence along the south boundary of said reservation west 5,280 feet to corner 6 (corner 3 of existing reservation); thence along the west boundary of said reservation N. 47° 08' W. 10,360 feet to point of beginning.	(*)
2. All the land within the following limits, to secure a clay deposit for making roads on the reservation: Beginning at a post situated about 4,640 feet west of the approach to the present wharf at Haines, Alaska; thence east 500 feet to corner 2; thence north 500 feet to corner 3; thence west 500 feet to corner 4; thence south 500 feet to corner 1, the point of beginning.	(*)
President's order, Nov. 27, 1903, reserves certain land, described by metes and bounds, on the west shore of Chilkat Inlet, for a water supply for Fort William H. Seward.	(*)
Fort Gibbon, at junction of the Tanana and Yukon rivers.	
President's order, July 10, 1890. Modified by President's order, July 19, 1905, by adding a strip of land along eastern boundary approximately 100 yards wide together with Bulls Island in Yukon River and excluding other described lands.	
Beginning at a post marked "U. S. M. R.," situated on the north or right bank of the Yukon River, opposite the mouth of the Tanana River; thence running due north from said post 10 miles; thence due west 10 miles; thence due south to a point at low-water mark on the north bank of the Yukon River; thence easterly along the north bank of said Yukon River at low-water mark to a point due south of said beginning post; thence north to the place of beginning.	* 64,000.00
Fort Egbert:	
President's order, Jan. 25, 1904.	
Commencing at a post at the mouth of Mission Creek, marked "U. S. M. R.," thence due west 2 miles; thence due south 2 miles; thence due east 3 miles; thence due north to the left bank of the Yukon River; thence along the left bank of said river to the place of beginning.	(*)
President's order, Jan. 23, 1900.	
On recommendation contained in letter from the Secretary of War, so much of the peninsula embracing Point Spencer as lies north of the southern boundary as hereinafter described was reserved for public purposes, viz:	
Commencing at the extreme north end of the peninsula embracing Point Spencer, shown by the General Land Office map of Alaska, 1878, as being in approximate latitude 65° 17' N., longitude 163° 45' W. from Greenwich; thence to a point due south from Point Spencer, 2 miles to a point east or west from the west shore of Port Clarence Bay; thence to a point due east or west, as the case may be, to a point at low-water mark on the west shore of Port Clarence Bay; thence due west, crossing said peninsula from the point at low-water mark on the west shore of Port Clarence Bay, to a point at low-water mark on Bering Sea, the last-named course to constitute the southern boundary of the tract.	(*)
President's order, Mar. 3, 1906, modifies boundaries of Fort Egbert as declared by previous orders.	(*)
Fort Lisum:	
President's order, Dec. 31, 1903.	
Beginning at an iron post 2 inches in diameter, 5 feet long, driven 3 feet in the ground, marked "U. S. M. R. Post No. 1," which is near the center of a neck of land 24 feet wide, which connects Swanport Peninsula with the mainland, and which is N. 67° 59' W., 23.50 chains distant from large rock about 12 by 12 by 14 feet above ground, standing in front of Fort Lisum, said iron post being situated at the initial point or northwest corner of the reservation as declared by executive order of July 18, 1900; thence S. 80° 30' E. to the shore and following the shore line of Valdez Bay at low water in an easterly direction to a point on the shore N. 9° 30' E. from an iron post 2 inches in diameter, 5 feet long, marked "U. S. M. R. Post No. 2," placed 3 feet in the ground, on a bluff 30 feet above sea level; said post bearing S. 80° 30' E., 2 miles distant from post No. 1, the place of beginning, and west 6.50 chains from the mouth of Solomons Gulch Creek, said point being also the northeast corner of the original reservation as declared by said executive order of July 18, 1900; thence S. 9° 30' W., through said post and along the eastern boundary of the original reservation, 43.05 chains from the said iron post No. 2 to corner No. 3, which is an iron post 2 inches in diameter, 5 feet long, 3 feet in the ground, marked "U. S. M. R. Post No. 3," thence N. 83° 20' W., 100.32 chains to corner No. 4, which is an iron post 2 inches in diameter, 5 feet long, 3 feet in the ground, marked "U. S. M. R. Post No. 4," said corner being situated on the western line of the original reservation, as declared by said executive order of July 18, 1900; thence N. 9° 30' E. along the original reservation 59.97 chains to corner No. 1, the place of beginning.	659.89

*Approximately. *Courses and distances do not close within 15 chains.
 * Not known.

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.
ALASKA—continued.	
A tract of land for military purposes, particularly as a site for a signal station and base of supply for Fort Lisum-Fort Egbert military telegraph line, viz: All that tract of land situate near the easterly shore of Valdez Bay, District of Alaska, bounded as follows:	
President's order, Mar. 10, 1903. Modified by President's order, June 30, 1904, by reserving certain land near the easterly shore of Valdez Bay for use of War Department and Department of Justice.	
Beginning at a point on the northern boundary line of the present town of Valdez, situated, with respect to surrounding objects, as described in a survey of said tract made by George E. Baldwin, U. S. deputy surveyor, in January, 1903; thence N. 61° 27' E., along the present northern boundary of the town of Valdez, 261 feet, to corner No. 2; thence N. 28° 33' W., 92 feet, to corner No. 3; thence S. 61° 27' W., 251 feet, to corner No. 4; thence S. 28° 33' E., 92 feet, to corner No. 1, the place of beginning.	(*)
A tract of land on Skagway River near Skagway, known as Survey No. 177, as surveyed by Alfred Williams, United States deputy surveyor, and shown upon a blueprint diagram accompanying the order, viz:	
President's order, May 21, 1903.	
Starting at Station Kenn, of the Coast and Geodetic Survey, from which Station Garb, of same survey, bears S. 3° 59' W.; thence N. 52° 05' E., 111.62 chains, to corner No. 1, the place of beginning; thence N. 47° 12' W., 80 chains, to corner No. 2; thence N. 42° 48' E., 80 chains, to corner No. 3; thence S. 47° 11' E., 48.79 chains, to corner No. 4; thence S. 30° 33' W., 32.81 chains, to corner No. 5; thence S. 46° 27' E., 0.37 chain, to corner No. 6; thence S. 43° 22' W., 36.03 chains, to corner No. 7; thence S. 47° 12' E., 24.30 chains, to corner No. 8; thence S. 44° 29' W., 11.96 chains, to corner No. 1, the place of beginning. Variation at all corners, 32° 30' E. The bearings are true.	* 466.12
At Seward:	
President's order, July 3, 1905.	
Commencing 100 feet east of stone monument No. 2, south of Adams street, Seward, Alaska, and extending north about 2,700 feet to a point 100 feet east of stone monument No. 1 of the northeast corner of the Seward town site; thence east to the water line; thence southerly along the water line to a point directly east of stone monument No. 2; thence to the point of commencement.	(*)
President's order, Dec. 7, 1905, reserves certain land at Key-stone, described by metes and bounds, and situate in approximate latitude 61° 10' N., longitude 145° 40' W.	(*)
President's order, Feb. 24, 1906, reserves all the public lands at Unalaklik within certain described limits for use of the Signal Corps, U. S. Army.	* 6.26
Total in Alaska, as far as known or estimated.	67,712.01
ALABAMA.	
At entrance to Mobile Bay, the small islands between the north point of Dauphin Island and Cedar Point, Grant, Heron, Tower, and other islands, and so much of Cedar Point as lies in fractional secs. 25 and 26, T. 8 S., R. 2 W.:	
Cedar Point.	296.50
President's order, Feb. 9, 1842.	
Fort Gaines, on eastern end of Dauphin Island.	(*)
Lands conveyed to the United States by decree of chancery in January, 1853.	
Fort Morgan, in T. 9 S., R. 1 E.	(*)
Secretary of War, Sept. 10, 1842.	
ALABAMA AND MISSISSIPPI.	
All of Ship Island, Hurricane and Dog islands (Dog and Hurricane islands estimated at 100 acres).	1,652.40
President's order, Aug. 30, 1847.	
Total in Alabama and Mississippi, as far as known.	1,949.90
ARIZONA TERRITORY.	
Camp Apache, within the limits of the White Mountain Indian Reservation.	7,421.14
President's order, Feb. 1, 1877.	
Camp Grant (new), in Tps. 8, 9, and 10 S., Rs. 23 and 24 E.	42,341.00
President's order, Apr. 17, 1876.	
Fort Huachuca, in southern Arizona, adjacent to Babacomari private land claims.	49,920.00
President's orders, Oct. 29, 1881, and May 14, 1883.	
Fort Whipple, in T. 14 N., R. 2 W.	1,730.00
President's orders, Aug. 31, 1869, and Oct. 19, 1875; act of Congress approved June 22, 1874 (18 Stat. L., 201).	
Total in Arizona, so far as known.	101,412.14
ARKANSAS.	
Fort Smith National Cemetery, in sec. 17, T. 8 N., R. 32 W.	14.81
President's orders, May 22, 1871, and Dec. 3, 1876. (See act of Feb. 26, 1897, 29 Stat. L., 566.)	
Total in Arkansas.	14.81

* Not known.

*Approximately.

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.	Name and location of reservation, with date of President's order or other authority.	Area.
CALIFORNIA.		FLORIDA—continued.	
Angel Island, in San Francisco Bay. President's orders, Nov. 6, 1850, and Apr. 10, 1860.	(^a)	At St. Andrew Sound. Secretary of War, Mar. 23, 1849.	(^a)
Alcatraz Island, in San Francisco Bay. President's order, Nov. 6, 1850.	(^b)	"The tongue or neck of land called Crooked Island, east of the several entrances along the coast."	
Drum Barracks, at Wilmington. Deeded to the United States by private parties.	55.00	At St. Andrews Bay: Lots 1 and 2, sec. 4; lots 1, 2, 3, and 4, sec. 5; lots 1 and 2, sec. 6, and fractional secs. 8 and 9, T. 5 S., R. 14 W., including Hurricane Island, as shown upon Coast Survey Chart No. 184; also lots 2 and 3, sec. 15; lots 1, 2, 3, 4, 5, sec. 22; lots 1, 2, 3, and 4, sec. 23; lot 2, sec. 25; lots 1, 2, and 3, sec. 26; and fractional secs. 27 and 35, T. 4 S., R. 15 W.	1,483.84
Benicia Barracks and Arsenal, in Tps. 2 and 3 N., Rs. 2 and 3 W. President's order, Oct. 10, 1862. Deed by private parties in 1849.	344.90	President's order, May 3, 1897.	
Deadmans Island, being lot 1, sec. 19, T. 5 S., R. 13 W., San Bernardino meridian.	2.00	At St. Augustine: Secretary of War, Oct. 12, 1838, and Mar. 23, 1849.	
President's order, Mar. 15, 1872.		Site of Fort Marion and adjacent lands.	(^a)
Camp Gaston, in T. 8 N., R. 5 E., of Humboldt meridian, within Hoopa Valley Indian Reservation.	451.50	Spanish governor's house.	(^a)
President's order, Apr. 2, 1869.		Treasury lot.	(^a)
Fort Hill or Monterey, at Monterey.	(^c)	St. Francis barracks and grounds.	(^a)
President's order, Nov. 23, 1866.		Military hospital lot.	(^a)
Island called Red Rock, Golden Rock, or Molate, in sec. 17, T. 1 N., R. 5 W., Mount Diablo meridian.	7.52	Powder-house lot.	(^a)
Secretary of Interior, Mar. 2, 1858; President's order, Oct. 21, 1882.		Two small islands in the Matanzas River, St. Augustine Harbor.	2.00
Presidio Military Reserve, Fort Point, on San Francisco Bay. President's orders, Nov. 6, 1850, and Dec. 31, 1851; act of Congress, May 9, 1876 (19 Stat. L., 52).	1,479.94	President's order, May 31, 1892.	
Point San Jose (originally included within the Presidio Reserve No. 1).	57.89	At St. Joseph Bay: "The whole neck or peninsula forming the bay of St. Joseph from its northern extremity, or Point St. Joseph, to its connection with the mainland at the eastern shore of the bay, including Cape San Blas," in T. 9 S., R. 11 W., and Ts. 7, 8, and 9 S., R. 12 W.	3,851.21
President's orders, Nov. 6, 1850, and Dec. 31, 1851; act of Congress, July 1, 1870 (16 Stat. L., 183).		Secretary of War, Mar. 23, 1849.	
Point Loma (San Diego), at San Diego Harbor.	(^c)	Santa Rosa Sound: "So much of the point opposite to and east of the east end of Santa Rosa Island as lies in T. 2 S., R. 22 W."	5,958.20
President's order, Feb. 26, 1852.		President's order, Feb. 9, 1842.	
"To include that portion of the peninsula lying on west side of entrance to the harbor which shall be included between the southernmost point of the peninsula (Punta de Loma) and a line drawn across said peninsula from the harbor to the ocean at a distance of 1½ miles above Punta de Guisanas."		Santa Rosa Island: All that portion of Santa Rosa Island which was formerly a naval reserve and relinquished to the Department of the Interior Feb. 25, 1880, the same attached to and made a part of Fort Pickens Military Reservation, and embracing the entire area of Santa Rosa Island.	(^a)
San Pedro Bay, in T. 5 S., Rs. 13 and 14 W., S. B. M.	40.00	President's order, July 2, 1888.	
President's order, Sept. 14, 1888.		Key West, or Thompson Island.	(^a)
This tract of land was originally a public reservation by cession from Mexico under treaty of Guadalupe-Hidalgo, concluded Feb. 2, 1848.		Land said to have been deeded to the United States. Key covered by private land claim, confirmed by Congress in 1828. (See act of July 22, 1876, 19 Stat. L., 96.)	
Sausalito Bay Point.	(^c)	Key West Shoals, SW. point of Key West.	(^a)
President's order, Nov. 6, 1850.		President's order, Sept. 17, 1845.	
From southern boundary of Sausalito Bay, a line parallel to the channel of entrance to the Pacific.		Haulover Canal, 1,000 feet each side from the center, in sec. 29, T. 20 S., R. 36 E.	(^a)
Three Brothers, Three Sisters, and Marine islands, in entrance to the San Pablo Bay.	(^d)	President's order, Aug. 28, 1880.	
President's order, Oct. 25, 1897.		All lands owned by Government on Key West, Virginia Key, and Key Biscayne.	
Yerba Buena Island (Camp Reynolds), in San Francisco Bay. President's orders, Nov. 6, 1850, and Oct. 12, 1866.	(^e)	President's order, Feb. 11, 1897.	
		Lot 2, sec. 4; lots 1 and 2, sec. 9, T. 3 S., R. 29 W., and fractional sec. 1, T. 3 S., R. 30 W., Florida.	270.39
Total in California, as far as known or estimated.	2,438.75	President's order, Aug. 21, 1897.	
FLORIDA.		Total in Florida, as far as known or estimated.	18,058.17
North end of Amelia Island (Fort Clinch), fractional sec. 8, T. 3 N., R. 29 E.; fractional sec. 11 and lots 1 and 2 of sec. 14, T. 3 N., R. 28 E.	419.44	IDAHO.	
President's order, Feb. 9, 1842. Lot 2 of sec. 14 patented to D. L. Yulee Sept. 5, 1853.		Fort Boise, in Boise Valley, one-half mile from Boise City.	638.00
Fort McKee, near Pensacola, in T. 3 S., R. 31 W.	(^c)	President's order, Apr. 9, 1873.	
President's order, Feb. 9, 1842.		Fort Hall, within the Fort Hall Indian Reservation, in T. 3 N., R. 38 E.	646.50
"All the public land within 1 mile of the fort on Fosters Bank."		President's order, Oct. 12, 1870.	
North Key, in Tps. 15 and 16 S., R. 12 E.	159.48	Total in Idaho.	1,284.50
Snake Key, in T. 16 S., R. 13 E.	52.17	ILLINOIS.	
Mullet Key, in T. 33 S., R. 16 E.	842.29	Fort Armstrong (Rock Island), in fractional T. 18 N., Rs. 1 and 2 W., fourth principal meridian.	750.00
President's order, Mar. 2, 1840; order of Secretary of War, Mar. 23, 1849. Originally reserved as a part of Cedar Keys, although Mullet Key is not one of the Cedar Keys, but is at the entrance of Tampa Bay.		Request of Secretary of War, Mar. 2, 1825, and Sept. 11, 1835. By act of Congress approved June 27, 1836 (14 Stat. L., 75), certain small islands were added to the reserve and right of way was granted to the Rock Island R. R. Co. Act of Apr. 2, 1844 (6 Stat. L., 908), allowed George Davenport to enter the SE. ¼ sec. 25, T. 18 N., R. 2 W.	
At Charlotte Harbor.	2,143.38	Maple Island (within limits of two surveyed islands), in secs. 19 and 30, T. 5 N., R. 9 W., third principal meridian, in the Mississippi River, reserved in connection with the rectification and improvement of the channel of the river.	(^a)
Secretary of War, Mar. 23, 1849; President's order, Nov. 17, 1882.		President's order, June 13, 1895.	
"The south end of Gasparilla Island for a distance of 2 miles from its southern extremity, in T. 43 S., R. 20 E., and the north end of Boca Grande or Cayo Costa Island for a length of 2 miles from its northern extremity," in T. 43 S., R. 20 E., and T. 44 S., Rs. 20 and 21 E.		Total in Illinois, as far as known or estimated.	750.00
Dry Tortugas (including Fort Jefferson).	(^c)	KANSAS.	
President's order, Sept. 17, 1845.		Fort Leavenworth, on west bank of Missouri River, in T. 8 S., R. 22 E.	2,750.00
Egmont Island, at entrance to Tampa Bay, in T. 33 S., R. 15 E.	377.77	President's order, Oct. 10, 1854. Diminished by direction of Secretary of the Interior in 1831. See also act of July 27, 1838 (15 Stat. L., 238); joint resolution Feb. 9, 1871 (16 Stat. L., 594); act of July 20, 1898 (15 Stat. L., 392).	
Flag Island, in St. George Sound.	(^c)	Fort Riley, in Ts. 11 and 12 S., Rs. 5 and 6 E.	19,899.22
Secretary of War, Mar. 23, 1849; President's order, Nov. 17, 1882.		President's order, May 5, 1855. Reduced in area under joint resolution of July 26, 1836 (14 Stat. L., 367), and order of President thereunder of July 19, 1867. Further reduced under act of Mar. 2, 1897 (14 Stat. L., 573).	
Matanzas Inlet or fort, in sec. 14, T. 9 S., R. 30 E.	(^c)	Total in Kansas.	22,649.23
Secretary of War, Mar. 23, 1849.			
Fort Barrancas, in fractional secs. 2, 3, 4, and 5, T. 3 S., R. 30 W., and fractional secs. 1, 3, 16, 27, and unsurveyed lands south of fractional secs. 16 and 27 north and east of claim of Joaquin Barilla in T. 3 S., R. 31 W.	2,500.00		
Included in limits of naval reservation per act of Congress approved Apr. 22, 1826, and declared by President's order dated Jan. 10, 1838. President's order, May 11, 1844, transferred 1,667 acres to military authorities, and by President's orders, dated May 21, 1888, and Oct. 2, 1891, boundaries were enlarged by transferring sufficient land to form present area.			
Anastasia Island.	(^c)		
President's order, May 4, 1893, reserves SE. ¼ sec. 21, all fractional sec. 22, NE. ¼ NE. ¼ sec. 28, and all sec. 27, in T. 7 S., R. 30 E., Florida; also all the lands formed by the sea since survey, 1855, lying east of said lands and between the north boundary line prolonged of said SE. ¼ of sec. 21 and the south boundary line prolonged of said sec. 27.			
Fort Pickens all of Santa Rosa Island.	(^c)		
Land deeded to the United States May 28, 1828; President's order, July 2, 1888.			
^a Not known. ^b Unsurveyed. ^c Approximately.		^a Not known. ^b Estimated. ^c Approximately. ^d Unsurveyed.	

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.
LOUISIANA.	
Battery Bienvenue, in T. 12 S., R. 13 E., east of river: "The public lands, 1,200 yards each way from the fort".....	(*)
President's order, Feb. 9, 1842.....	
Fort Livingston, on west end of Grand Terre Island.....	126.16
Purchased by United States in January, 1834.....	
Fort Jackson, sec. 50, T. 20 S., R. 30 E., southeast district, west of Mississippi River.....	740.97
President's order, Feb. 9, 1842.....	
Fort Pike, consisting of "the public lands within 1,200 yards of Fort Pike".....	(*)
President's order, Feb. 9, 1842. All the land has been patented to the State as swamp, except sec. 19 of T. 10 S., R. 15 E., southeast district, east of river and south of Great Rigolet. Area of reserve in sec. 19 not known.....	
Fort St. Philip, sec. 11, T. 19 S., R. 17 E., southeast district, east of river.....	556.12
President's order, Feb. 9, 1842.....	
Tower Dupres:	
President's order, Feb. 9, 1842. Lands found to be covered by a private land claim.....	
"All the public lands within 1,200 yards of the fort," in T. 13 S., R. 14 E., east of Mississippi River.....	(*)
Fort Macomb, on Pass Chef Menteur:	
President's order, Feb. 9, 1842. (See executive order June 20, 1896, relinquishing part of Fort Macomb.).....	
"All the public lands within 1,200 yards from the fort".....	(*)
Proctor Landing, on Lake Borgne.....	92.00
Purchased Mar. 15, 1836.....	
United States barracks and land adjoining and above same, near New Orleans, on left bank Mississippi River, about 3 miles above city.....	(*)
Purchased by United States Dec. 14, 1833, and May 17, 1848.....	
Baton Rouge Arsenal, adjoining Baton Rouge.....	(*)
Purchased in 1814.....	
Total in Louisiana, as far as known or estimated.....	1,515.25
MICHIGAN.	
Area between south boundaries of claims Nos. 95 and 96 and north boundary of canal grant in T. 47 N., R. 1 E.; 2, area between north line of Canal street and south boundary canal grant shown on diagram with order.....	(*)
President's order, May 9, 1885.....	
St. Marys Falls Canal Reserve, in sec. 6, T. 47 N., R. 1 E.....	9.41
President's order, June 10, 1882.....	
Islands Nos. 1, 2, 3, and 4, in sec. 6, T. 47 N., R. 1 E., for use in connection with improvement of St. Marys River at Hay Lake Channel.....	(*)
President's order, Oct. 12, 1889.....	
Improvement of Hay Lake Channel, St. Marys River, lots 5 and 6, sec. 2; and lot 3, sec. 3, T. 45 N., R. 2 E.....	145.90
President's order, Oct. 30, 1884.....	
Fort Brady.....	2,573.10
President's order, Jan. 19, 1895. N. $\frac{1}{2}$ NW. $\frac{1}{2}$ SW. $\frac{1}{2}$ NW. $\frac{1}{2}$ and W. $\frac{1}{2}$ SW. $\frac{1}{2}$ sec. 5, E. $\frac{1}{2}$ and E. $\frac{1}{2}$ W. $\frac{1}{2}$ sec. 6, N. $\frac{1}{2}$ NE. $\frac{1}{2}$ and NE. $\frac{1}{2}$ NW. $\frac{1}{2}$ sec. 7, T. 45 N., R. 4 W.; S. $\frac{1}{2}$ NW. $\frac{1}{2}$ N. $\frac{1}{2}$ SW. $\frac{1}{2}$ and SE. $\frac{1}{2}$ SW. $\frac{1}{2}$ sec. 23, S. $\frac{1}{2}$ N. $\frac{1}{2}$ and S. $\frac{1}{2}$ sec. 29, S. $\frac{1}{2}$ N. $\frac{1}{2}$ E. $\frac{1}{2}$ SW. $\frac{1}{2}$ and SE. $\frac{1}{2}$ sec. 30, S. $\frac{1}{2}$ NE. $\frac{1}{2}$ and E. $\frac{1}{2}$ NW. $\frac{1}{2}$ sec. 31, W. $\frac{1}{2}$ and NW. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 32, T. 46 N., R. 4 W.; S. $\frac{1}{2}$ N. $\frac{1}{2}$ sec. 25, T. 46 N., R. 5 W.....	
The unsurveyed islands in secs. 9 and 10, T. 47 N., R. 1 E.....	(*)
Secretary of the Interior, Sept. 5, 1885. President's order, Sept. 22, 1885.....	
Fort Wayne, near city of Detroit.....	(*)
Land deeded to the United States June 3, 1842, and Apr. 15, 1844.....	
Total in Michigan, as far as known.....	2,728.41
MINNESOTA.	
Fort Snelling, at junction of Mississippi and Minnesota rivers.....	(*)
Reservation made at the request of Secretary of War, July 13, 1839, and Secretary of Treasury, July 15, 1839. President's orders, dated May 25, 1853, and Nov. 16, 1853. Act of Congress approved Aug. 26, 1852 (10 Stat. L., 36), and order of Secretary of War thereunder, dated Mar. 13, 1854. Joint resolution of Congress approved May 7, 1870 (16 Stat. L., 376). Reduction approved by Secretary of War, Jan. 1, 1874.....	
Reservation on St. Louis River, in Minnesota, lot 1, sec. 20, T. 49 N., R. 13 W.....	7.32
President's order, Mar. 13, 1854.....	
Total in Minnesota, except Fort Snelling.....	7.32
MISSOURI.	
Grand Tower Rock, in Mississippi River, which, if surveyed, would be in sec. 20, T. 34 N., R. 14 E. of fifth principal meridian.....	(*)
President's order, Feb. 24, 1871.....	
Fort Leavenworth, on east bank of Missouri River, in Tps. 52 and 53 N., R. 36 W. of fifth principal meridian.....	(*)
President's order, June 21, 1838. Portion of reserve released by Secretary of War, Mar. 1, 1841. Present reserve is in R. 36 W. S. $\frac{1}{2}$ SE. $\frac{1}{2}$ and SE. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 15, and the NW. $\frac{1}{2}$ NE. $\frac{1}{2}$ sec. 22, T. 33 N., R. 4 E. fifth principal meridian, Missouri, reserved as a target range for use of troops stationed at Jefferson Barracks, Mo.....	100.00
President's order, Sept. 19, 1868.....	
Total in Missouri, as far as known or estimated.....	100.00

* Not known.

* Approximately.

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.
MONTANA.	
Camp Baker, in T. 11 N., R. 4 E.....	Aces.
President's order, May 16, 1871.....	2,400.00
Fort Keogh, at mouth of Tongue River.....	* 57,619.00
President's order, Mar. 14, 1878. General Orders, No. 6. Headquarters Department of Dakota, Feb. 18, 1880, describes the ferry or bridge site on east bank of river.....	
Fort Assiniboine, mostly between the Milk and Missouri rivers, and within the reservation for the Gros Ventre, Piegan, and other Indians.....	* 168,640.00
President's orders, Mar. 4, 1880; June 16, 1881.....	
Fort Missoula:	
Original reserve: Sec. 31, T. 13 N., R. 19 W.....	640.00
President's order, Feb. 19, 1877.....	
Additional reserve: S. $\frac{1}{2}$ NE. $\frac{1}{2}$ and SE. $\frac{1}{2}$ sec. 25, T. 13 N., R. 20 W., the S. $\frac{1}{2}$ NE. $\frac{1}{2}$, S. $\frac{1}{2}$ NW. $\frac{1}{2}$, SE. $\frac{1}{2}$ of SE. $\frac{1}{2}$, NE. $\frac{1}{2}$ of SW. $\frac{1}{2}$, and W. $\frac{1}{2}$ of SW. $\frac{1}{2}$ sec. 30, T. 13 N., R. 19 W.....	560.23
President's order, Aug. 5, 1878.....	
Timber reserve on unsurveyed land.....	1,577.41
President's order, June 10, 1879.....	
National cemetery of Custer's battlefield.....	640.00
President's order, Dec. 7, 1886.....	
Total in Montana, as far as known or estimated.....	232,056.84
NEBRASKA.	
Fort McPherson National Cemetery.....	107.00
President's orders, Oct. 13, 1873, and Jan. 5, 1887.....	
Camp Robinson, on White River, at mouth of Spring Creek:	
Post reserve.....	12,800.00
President's orders, Nov. 14, 1876, and June 28, 1879.....	
Timber reserve, 4 miles square.....	10,240.00
President's order, Nov. 4, 1879.....	
Fort Niobrara:	
President's order, Dec. 10, 1879.....	
Post reserve: Secs. 26 and 35 of T. 34 N., secs. 2, 3, 10, 11, T. 33 N., and all that part of secs. 22, 23, 27, 33, and 34 of T. 34 N., and of secs. 4, 5, 8, 9, T. 33 N., lying on the right (south and east) bank of Niobrara River, all in R. 27 W., of the sixth principal meridian.....	5,474.84
President's order, June 6, 1881.....	
Wood and timber reserve: All that part of T. 34 N., R. 27 W., not already embraced within the existing reservation, excepting secs. 16 and 36 (school sections); the NE. $\frac{1}{2}$ of NE. $\frac{1}{2}$ sec. 28; the NW. $\frac{1}{2}$ of NW. $\frac{1}{2}$ and lots 2 and 3 of sec. 27; the NE. $\frac{1}{2}$ of SW. $\frac{1}{2}$, the W. $\frac{1}{2}$ of SW. $\frac{1}{2}$, and lot 3 of sec. 22; the E. $\frac{1}{2}$ of SE. $\frac{1}{2}$ and S. $\frac{1}{2}$ of NE. $\frac{1}{2}$ of sec. 25; the E. $\frac{1}{2}$ of NW. $\frac{1}{2}$; the E. $\frac{1}{2}$ of SW. $\frac{1}{2}$, and lots 1, 2, 3, and 4 of sec. 31; and the NE. $\frac{1}{2}$ of sec. 33.....	
In T. 34 N., R. 26 W., all of secs. 5, 6, 7, 8, 17, 18, 29, 31, and 32; all of sec. 19, except lots 2, 3, 4, and 5; all of sec. 20, except the N. $\frac{1}{2}$ of SE. $\frac{1}{2}$, and lots 5, 6, 7, and 8, and all of sec. 30, except the E. $\frac{1}{2}$ of NW. $\frac{1}{2}$ and lots 1 and 2. In T. 39 N., R. 26 W., all of secs. 5, 6, 7, and 8. In T. 33 N., R. 27 W., all of secs. 1 and 12.....	28,817.48
President's order, Apr. 29, 1884.....	
(To the above was added the E. $\frac{1}{2}$ of SE. $\frac{1}{2}$ and S. $\frac{1}{2}$ of NE. $\frac{1}{2}$ sec. 25, T. 34 N., R. 27 W., and at the same time there was excluded the W. $\frac{1}{2}$ of SE. $\frac{1}{2}$ and S. $\frac{1}{2}$ of SW. $\frac{1}{2}$ of sec. 30 of the same township and range).....	
President's order, May 7, 1896.....	57,439.32
Restored to control of Secretary of the Interior 720 acres of Fort Niobrara Military Reservation, embracing the NW. $\frac{1}{2}$ sec. 29, NE. $\frac{1}{2}$ and E. $\frac{1}{2}$ SE. $\frac{1}{2}$ sec. 30, and S. $\frac{1}{2}$ sec. 31, T. 34 N., R. 27 W., Nebraska, for disposal under act of July 5, 1884.....	720.00
Total in Nebraska.....	56,719.32
NEW MEXICO.	
Fort Bayard, in T. 17 S., Rs. 12 and 13 W.....	* 8,840.00
President's orders, Apr. 19, 1869, and July 14, 1906.....	
Fort Sumner Post Cemetery, situated in NE. $\frac{1}{2}$ sec. 15 and NW. $\frac{1}{2}$ sec. 14, T. 2 N., R. 26 E.....	820.00
President's order, May 22, 1871.....	
Fort Union (falls within the confirmed private land grant Mora):	
Post and timber reserve.....	66,890.00
President's order, Oct. 9, 1893.....	
Fort Wingate, in Tps. 13, 14, and 15 N., Rs. 15, 16, and 17 W.....	83,200.00
President's orders, Feb. 18, 1870, and Mar. 26, 1881.....	
Total in New Mexico.....	159,240.00
NORTH DAKOTA.	
Lot 11, sec. 34, T. 133 N., R. 80 W., fifth principal meridian.....	8.00
President's order, May 17, 1899.....	
Lot 13, sec. 34, T. 133 N., R. 80 W., as an addition to Fort Lincoln.....	39.40
President's order, June 8, 1901.....	
Total in North Dakota.....	47.40
OREGON.	
Sand Island, in secs. 14, 23, and 24, T. 9 N., R. 11 W.....	192.07
President's order, Aug. 29, 1893.....	
Point Adams (Fort Stevens), in T. 10 N., R. 10 W.; fractional secs. 5 and 6, and N. $\frac{1}{2}$ secs. 7, 8, and 9.....	1,250.11
President's order, Feb. 26, 1852. A donation claim covers some 400 acres of the reservation.....	

* Approximately.

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.
OREGON—continued.	
For improvement of Coos Bay and Harbor: Lots 1, 2, 3, and the SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of sec. 2, and lots 1 and 2, and SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of sec. 3, T. 26 S., R. 14 W. President's order, Nov. 13, 1889, reserves parts of secs. 27 and 31 and parts of 32; sec. 33 and part of 34, all in T. 24 S., R. 13 W.; parts of secs. 4 and 5; sec. 6; parts of secs. 7, 18, and 19, T. 25 N., R. 13 W.; parts of secs. 12, 13, and 23, and parts of 24, 25, and 26, T. 25 S., R. 14 W. President's order, Dec. 19, 1899, restores to public domain for disposal so much of land reserved by President's order of Nov. 13, 1889, described as part of sec. 3 and secs. 4 and 9, and parts of secs. 10 and 15; secs. 16, 17, and 20; parts of secs. 21, 22, 23, and 29, T. 48 S., R. 13 W. North side of Tillamook Head: Fractional SW. $\frac{1}{4}$ sec. 29, lots 1 and 2 of sec. 30, and lots 1, 2, 3, and 4 of sec. 31, T. 6 N., R. 10 W. President's order, Nov. 4, 1886.	174.27
Total in Oregon, as far as estimated.	1,944.00
OKLAHOMA.	
Fort Reno, in Tps. 12 and 13 N., R. 8 W., Indian meridian. President's order, July 17, 1883.	9,493.00
Post reserve (unsurveyed) President's order, Oct. 7, 1871.	23,040.00
Post reserve (surveyed) President's order, Feb. 26, 1897.	26,736.00
Total in Oklahoma.	59,269.00
SOUTH DAKOTA.	
Fort Meade: President's order, Dec. 18, 1878.	
Post reserve in Tps. 5 and 6 N., R. 4 E., Black Hills meridian. Timber reserve: Secs. 19, 30, 31, S. $\frac{1}{2}$ sec. 18, and W. $\frac{1}{2}$ of sec. 20, T. 5 N., R. 5 E.; E. $\frac{1}{2}$ of secs. 24 and 25, and SE. $\frac{1}{4}$ of sec. 13, T. 5 N., R. 4 E., Black Hills meridian. President's order, Apr. 18, 1881. Executive order, Sept. 16, 1889, enlarging the wood and timber reservations as per boundaries described in letter of Secretary of War, dated Sept. 14, 1889. See also President's order, May 27, 1885.	7,840.00
Total in South Dakota, as far as known or estimated.	3,344.83
UTAH.	
Fort Douglas, in Tps. 1 N. and 1 S., R. 1 E. President's order, Sept. 3, 1867. Act of Congress, May 16, 1874 (18 Stat. L., 46), gave 20 acres for cemetery for Salt Lake religious bodies; act of Jan. 21, 1885 (23 Stat. L., 285), reduced reserve 151.81 acres. Reservation for water supply for Fort Douglas. Act Mar. 3, 1887 (24 Stat. L., 478), added to reserve for water supply. President's order, Mar. 13, 1890, withdraws for use of Fort Douglas, subject to rights of the U. P. R. Co., which have attached to odd-numbered sections, secs. 13 and 23, T. 1 N., R. 1 E.; sec. 17; N. $\frac{1}{2}$ sec. 18, and E. $\frac{1}{2}$ sec. 20, T. 1 N., R. 2 E., with exception of SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 20, T. 1 N., R. 2 E., Salt Lake meridian, Utah. Estimated area outside of land embraced in adjustment list of Central Pacific R. Co., which includes secs. 13 and 23, T. 1 N., R. 1 E., and sec. 17, T. 1 N., R. 2 E., Utah, 600 acres. Reservation for water supply for Fort Douglas. President's order, June 8, 1896, reserves SW. $\frac{1}{4}$ sec. 26; NE. $\frac{1}{4}$ NE. $\frac{1}{4}$ and lot 1, sec. 34, T. 1 N., R. 1 E., Utah, for use of Fort Douglas. See act of May 16, 1906 (Public No. 167), granting about 32 acres in sec. 4, T. 1 S., R. 1 E., within Fort Douglas Military Reservation to University of Utah; also act of June 29, 1906 (Public No. 346) authorizing Secretary of War to grant 42.3 acres within Fort Douglas Military Reservation to Le Grand Young, in exchange for lots 4, 5, and 6, sec. 2, T. 1 S., R. 1 E., and sec. 36, T. 1 N., R. 1 E., subject to approval of title by Attorney-General. Fort Du Chesne, in T. 2 S., R. 1 E., Uinta meridian, within the Uinta Indian Reservation. President's order, Sept. 1, 1887.	2,388.19
Total in Utah (estimated).	1,920.00
WASHINGTON.	
Port Angeles and Ediz Hook, in Tps. 30 and 31 N., Rs. 5 and 6 W. President's orders, July 19, 1882, and Mar. 10, 1893. President's order, May 15, 1893, reserves blocks Nos. 32 and 53 within town site at Port Angeles for customs-service use. Canoe Island, off east coast of Shaw Island. President's order, July 2, 1875.	(*)
Cape Disappointment, including Fort Canby: President's order, Feb. 26, 1892.	43.10
Fractional section 9 (except lot 4, reserved for light-house purposes) and part of fractional sections 4 and 5, T. 9 N., R. 11 W.	536.20
Southwest part of Lopez Island, including Bunch Island and Whale Rocks. President's order, July 2, 1875.	599.30
Northwest part of Lopez Island, extending from Flat Point to Upright Point. President's order, July 2, 1875.	634.60
These reserves are in Tps. 34, 35, and 36 N., R. 2 W.	
* Approximately.	
* Not known.	

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.
WASHINGTON—continued.	
At Neah Harbor, Strait of Juan de Fuca:	
1. Wa-addah Island.	* 29.00
2. Tract east side of harbor.	* 400.00
3. Tract west side of harbor.	* 400.00
President's order, June 9, 1898. A part of these lands declared reserved were disposed of prior to date of order reserving same, viz, NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and lot 3, sec. 1, T. 21 N., R. 2 E.; lot 5 and NE. $\frac{1}{4}$ of SE. $\frac{1}{4}$ sec. 2, T. 21 N., R. 2 E.; and SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of sec. 33, T. 22 N., R. 2 E.	
At Narrows of Puget Sound:	
South end of Vashons Island.	633.60
President's order, June 9, 1898. A part of these lands declared reserved were disposed of prior to date of order reserving same, viz, NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and lot 3, sec. 1, T. 21 N., R. 2 E.; lot 5 and NE. $\frac{1}{4}$ of SE. $\frac{1}{4}$ sec. 2, T. 21 N., R. 2 E.; and SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of sec. 33, T. 22 N., R. 2 E.	
All in Tps. 21 and 22 N., R. 2 E.	
President's order, June 9, 1898. A part of these lands declared reserved were disposed of prior to date of order reserving same, viz, NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ and lot 3, sec. 1, T. 21 N., R. 2 E.; lot 5 and NE. $\frac{1}{4}$ of SE. $\frac{1}{4}$ sec. 2, T. 21 N., R. 2 E.; and SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of sec. 33, T. 22 N., R. 2 E.	
San Juan Island:	
Southeast point of island, including Goose Island and Rocky Peninsula, in T. 34 N., R. 2 W.	640.00
Northeast point of island, including Reed Rock, in secs. 1, 2, 11, 12, and 13, T. 35 N., R. 3 W.	508.33
President's order, July 2, 1875. President's order dated Mar. 2 and May 20, 1889, amended President's order of July 2, 1875, confining the military reservation on San Juan Island to certain lots and subdivisions in secs. 7 and 8, in T. 34 N., Rs. 2 and 3 W., making an aggregate of 640 acres.	
Shaw Island:	
President's order, July 2, 1875.	
West end of island, mostly in T. 36 N., R. 2 W.	515.30
President's order, July 2, 1875.	
Eastern reserve on island, mostly in T. 36 N., R. 2 W.	504.90
Fort Three Tree Point, in T. 9 N., R. 7 W.	640.00
President's order, July 31, 1865.	
Fort Vancouver, in T. 2 N., R. 1 E.	639.54
Order of Secretary of War, Oct. 29, 1853. President's order, Jan. 5, 1878 (0.46 of an acre was granted to Catholic mission).	
Fort Walla Walla, part of the post reserve remaining unsold. President's order, May 13, 1859. Hay and timber reserve granted away or sold.	619.57
Order of Secretary of Interior, June 24, 1881. President's order, Jan. 12, 1882; President's order, No. 17, 1887.	
Fort Spokane, on Spokane River.	640.00
Fort Townsend, in secs. 21, 22, 27, 28, and 33, T. 30 N., R. 1 W.	621.97
President's order, Apr. 30, 1896, revokes order of Apr. 1, 1895, transferring the reservation declared by President's order of Jan. 29, 1895, to the control of the Secretary of the Interior for disposal, and again reserves the land.	
Chinook Point, also known as Scarborough Head or Hill. Lot 9, sec. 22, T. 9 N., R. 10 W., reserved in connection with existing reservation.	33.00
President's order, May 8, 1899.	
Reservations as follows at points where the title should be found to be in the United States, viz:	
1. On north side of New Dungeness Harbor, embracing all the peninsula to its junction with the mainland, in T. 31 N., R. 4 W.	258.63
President's order, Sept. 22, 1866.	
2. South side of New Dungeness Harbor, in T. 31 N., Rs. 3 and 4 W.	628.00
President's order, Sept. 22, 1866.	
3. On west side of entrance to Washington Harbor, in T. 30 N., R. 3 W.	614.00
President's order, Sept. 22, 1866.	
4. East side of entrance to Washington Harbor, T. 30 N., R. 3 W.	* 404.00
President's order, Sept. 22, 1866.	
5. Clallam Point, T. 30 N., R. 2 W.	614.00
President's order, Sept. 22, 1866.	
6. Opposite Clallam Point, in T. 30 N., Rs. 1 and 2 W.	637.00
President's order, Sept. 22, 1866.	
7. Protection Island, in Tps. 30 and 31 N., R. 2 W.	
All disposed of before order issued.	
8. Opposite Protection Island, in T. 30 N., R. 1 W.	624.25
President's order, Sept. 22, 1866.	
9. Vancouver Point, in Tps. 29 and 30 N., R. 2 W.	603.00
President's order, Sept. 22, 1866.	
10. Point Wilson, in T. 31 N., R. 1 W.	464.00
President's order, Sept. 22, 1866.	
11. Point Hudson, in T. 30 N., R. 1 W.	
All disposed of before order issued.	
12. Admiralty Head, in T. 31 N., R. 1 E.	450.00
President's order, Sept. 22, 1866.	
13. Marrowstone Point, in T. 30 N., Rs. 1 E. and 1 W.	590.00
President's order, Sept. 22, 1866.	
N. $\frac{1}{4}$ of SW. $\frac{1}{4}$ sec. 17, and that part of lot 6 of sec. 18, T. 30 N., R. 1 E., W. M., not already embraced in the reservation as per Executive order of Sept. 22, 1866, was reserved in connection with Marrowstone Point Reservation.	
President's order, Nov. 14, 1896.	* 58.00
14. North of entrance to Deception Pass, including two islands in the pass, in T. 34 N., R. 1 E.	550.00
President's order, Sept. 22, 1866.	
15. South entrance to the pass, in T. 34 N., R. 2 E.	630.00
President's order, Sept. 22, 1866.	
* Approximately.	
* Excluding lands embraced in donation claim of George H. Gerrish, per President's order, Jan. 9 1893.	
* Estimated.	

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.
WASHINGTON—continued.	
Reservations as follows at points where the title should be found to be in the United States—Continued.	Acres.
16. Two islands east of Deception Pass, in T. 34 N., R. 2 E.	140.00
President's order, Sept. 22, 1866.	
17. Tala Point, in T. 28 N., R. 1 E.	615.25
President's order, Sept. 22, 1866.	
18. Hoods Head, in T. 28 N., R. 1 E.	614.25
President's order, Sept. 22, 1866.	
19. Foulweather Point, in T. 28 N., R. 1 and 2 E.	602.20
President's order, Sept. 22, 1866.	
20. Double Bluffs, fractional secs. 26, 27, 28, and lots 4 and 5, sec. 22 of T. 29 N., R. 2 E.	626.25
President's order, Sept. 22, 1866.	
21. Point Defiance, in T. 21 N., R. 2 E.	631.00
President's order, Sept. 22, 1866.	
25. Whidbey Island, most northerly point in T. 34 N., R. 1 and 2 E.	602.00
President's order, Sept. 22, 1866.	
Goose Island, situate in the Strait of Juan de Fuca, off the southeastern part of San Juan Island, in the SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of sec. 8, T. 24 N., R. 2 W.	(^a)
President's order, Jan. 9, 1889.	
On N. side of entrance of Gig Harbor, lots 5 and 6, sec. 5, and lot 1, sec. 8, T. 21 N., R. 2 E.	81.80
President's order, Apr. 3, 1901.	
Port Madison:	
President's order, July 29, 1905.	
Lots 4 and 5, sec. 21, and lots 1 and 2, sec. 28, T. 26 N., R. 2 E., W. M., formerly a part of the Port Madison Indian Reservation.	70.50
Total in Washington, as far as known or estimated.	19,840.54
WISCONSIN.	
Stone quarry, fractional secs. 25, 26, and 36, T. 28 N., R. 25 E.	1,046.10
Request of Secretary of War and order of Secretary of the Treasury, Sept. 1, 1837.	
WYOMING.	
Fort D. A. Russell, adjoining city of Cheyenne, in T. 14 N., R. 67 W.	4,352.00
President's order, June 23, 1899.	

^a Not known.

Names and locations of existing military reservations, etc.—Continued.

Name and location of reservation, with date of President's order or other authority.	Area.
WYOMING—continued.	
Wood reserves for Forts Sanders, D. A. Russell, and Cheyenne depot, secs. 20, 28, 30, 32, T. 15 N., R. 71 W. (area included below).	
President's orders, Nov. 4, 1879, and Feb. 25, 1880.	
Crow Creek Forest Reserve, in Ts. 14 and 15 N., Rs. 71 and 72 W., transferred to control of War Department as a military reservation.	56,132.99
President's order Oct. 9, 1903. This reservation includes secs. 20, 28, 30, and 32, T. 15 N., R. 71 W. (2,540.64 acres), reserved by President's orders of Nov. 4, 1879, and Feb. 25, 1880, as a wood and timber reservation in connection with Forts Sanders, D. A. Russell, and Cheyenne depot.	
Fort Fred. Steele National Cemetery.	(^c)
Secretary of War, Nov. 19, 1886.	
Fort Washakie, within the Shoshone Indian Reservation.	^b 1,405.00
President's order, May 21, 1887.	
In T. 56 N., R. 84 W., secs. 7 and 8; the NW. $\frac{1}{4}$ and the W. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 17; lots 1, 2, and 3 and E. $\frac{1}{4}$ NW. $\frac{1}{4}$ and NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 18; the SW. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ and W. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 20; lot 1 and NE. $\frac{1}{4}$ of NW. $\frac{1}{4}$ and NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 30, and lots 2 and 3, sec. 31.	5,493.73
In T. 56 N., R. 85 W., the W. $\frac{1}{4}$ sec. 1; all of secs. 2, 11, 12, 13, and all of sec. 14 except the S. $\frac{1}{4}$ SE. $\frac{1}{4}$ thereof.	320.00
President's orders, Nov. 2, 1898, and Dec. 13, 1898.	
E. $\frac{1}{4}$ sec. 16, T. 56 N., R. 84 W.	320.00
General Orders, No. 92, Aug. 7, 1902, Adjutant-General's Office, War Department.	
Total in Wyoming, as far as known or estimated.	67,703.64
Total area of military reservations in the public-land States and Territories, as far as known or estimated.	838,088.90

^a Not known.^b Approximately.

Mr. NELSON. Lately, about a month or so ago, I applied to the Commissioner of the General Land Office to furnish me a list of withdrawals, and he furnished me a list not included in these other lists, to which I call your attention, and ask to have incorporated in my remarks.

The list referred to is as follows:

Executive orders.

President.	Date.	Purpose.	State.	Description.
Adams	November 11, 1828	Military	Michigan	Fort Gratiot.
Jackson	October 31, 1829	do	Missouri	St. Louis Arsenal.
Van Buren	April 21, 1838	Naval	Florida	Part Santa Rosa Island.
Do	December 12, 1838	Military	Louisiana	Fort Sabine.
Do	February 19, 1841	do	Florida	Fort Shannon.
Tyler	February 9, 1842	do	Louisiana	Part of Santa Rosa Island.
Do	March 25, 1844	do	do	On Gulf coast.
Fillmore	November 11, 1850	Light-house	California	Alcatraz Island.
Pierce	August 19, 1853	Military	Michigan	Fort Wilkins.
Do	March 13, 1854	do	Minnesota	On St. Louis River.
Do	September 11, 1854	Light-house	Washington	Fort Wilson.
Buchanan	August 8, 1859	do	do	Farallones Island, Pacific Ocean.
Lincoln	June 19, 1862	Military	do	Port Angeles.
Johnson	September 22, 1866	do	do	25 reservations.
Do	January 26, 1867	Light-house	California	San Clemente Island.
Grant	May 29, 1873	do	Michigan	Poverty Island.
Do	December 9, 1875	Fish culture	California	For station.
Do	November 2, 1876	Light-house	do	Whalers Island.
Cleveland	February 1, 1886	do	Florida	Antelope Key.
Harrison	April 16, 1889	Fish culture	Colorado	For station.
Do	May 28, 1889	Light-house	Oregon	Cape Mares.
Do	August 4, 1890	Life-saving	Michigan	For station.
Do	May 19, 1891	Light-house	do	Hecta Head.
Cleveland	March 31, 1894	Life saving	do	For station.
McKinley	January 13, 1899	Naval reserve	California	Mission Rock.
Do	May 26, 1900	Fish culture	Montana	For station.
Do	October 10, 1900	Agricultural experiment	Arizona	do.
Roosevelt	March 30, 1901	Reindeer station	Alaska	Preserve.
Do	February 17, 1903	Hot springs	Nevada	For station.
Do	March 31, 1904	Weather Bureau	Utah	

Secretary's orders.

Department.	Date.	Purpose.	State.	Description.
War	—, 1822	Military	Minnesota	Fort Snelling.
Do	July 8, 1822	do	Michigan	Fort Brady.
Do	March 2, 1825	do	Illinois	Fort Armstrong.
Treasury	—, 1839	do	Minnesota	Fort Snelling. ^a
War	June 3, 1833	do	Louisiana	Fort Jessup.
Do	March 23, 1849	do	Florida	Fort Marion.
Do	do	do	do	Long Key.
Treasury	October 1, 1857	Light-house	California	Farallones Islands, Pacific Ocean.
Interior	September 16, 1889	Cliff dwellers	Colorado	Land for park.
Do	October 2, 1902	National sanitarium	South Dakota	Hot Springs.
Interior, Garfield	March and April, 1909	Power sites	Various States	8 sites.
Interior, Ballinger	May 4, 1909, to February 18, 1910	do	do	116 sites.

^a This reserve recognized by the act of Aug. 26, 1852 (10 Stats., p. 36), reducing the boundaries thereof.

Mr. NELSON. This general power of withdrawal has been sustained by the Supreme Court in various cases, to some of which I have referred. But the Senator from Wyoming complained a few moments ago that there was no report on this particular bill. It is true that there has not been a report on this particular bill, but a bill involving the same principles was reported to the Senate prior to the bill now under consideration, and that bill was accompanied with a written report.

I desire further to call the attention of the Senate to the fact that while under the mining laws of the United States the public lands are open to exploration and discovery and purchase, whether surveyed or unsurveyed, yet that in a case that arose out West where there was a land withdrawal by the executive department for an Indian reservation it was held that that withdrawal was effective to the extent of preventing the exploration and discovery and purchase of a mineral claim within the lands so withdrawn. It was so decided in the case of *Gibson v. Anderson* (U. S. Cir. Ct. of App. Repts., vol. 65, p. 277). I quote here a part of the opinion of the court on page 288:

There can be no doubt that such reservation by proclamation of the Executive stands upon the same plane as a reservation made by treaty or by act of Congress.

The court further says:

Now, if the treaty-making power can convey title, it can reserve a part of the public domain for a specific purpose, because this is but the exercise of a less higher power than that which conveys title. So can the President of the United States, by an executive order, reserve a part of the public domain for a specific lawful purpose. * * * The United States court for Nevada, in the case of *United States v. Leathers*, has decided the same thing. So can Congress by law reserve a part of the public domain. Then we find that a reservation may be made either by treaty, executive order, or by act of Congress, and all of these methods are expressly recognized by the homestead and preemption laws.

This question has also been considered by our Attorneys-General several times. I quote from the opinion of Attorney-General Miller, in volume 19, *Opinions of the Attorney-General*, page 373. He declared in that case, when objection was made, that certain statutes cited did not authorize the reservation or withdrawal in question to be made:

To this I answer that, in my opinion, the validity of the executive order of August 5, 1878, and that of February 19, 1877, to which it was supplemental, rest not on that statute, but on a long-established and long-recognized power in the President to withhold from sale or settlement, at discretion, such parts of the national domain, open to entry and settlement, as he may deem proper.

While no express or direct general statutory power has been given the President to withdraw land for the creation of Indian reservations, yet such power has been repeatedly exercised by the President, and on one occasion when the power was questioned Attorney-General Brewster sustained the power. (See *Op. Atty. Gen.*, vol 17, p. 258.) In this opinion he calls attention to a number of Indian reservations that have been created by executive authority. Such reservations are commonly designated as "executive reservations."

We had such a reservation in Minnesota—a case where the land had been surveyed and had been opened to homestead entry, and a few settlers had gone on and occupied it. In the meantime an executive order was issued withdrawing the land from sale and entry and attaching it to a part of what was then known and is still known as the White Earth Reservation. That withdrawal was effective and reserved the land from entry. We have had many such cases. I can not undertake to enumerate the number of Indian reservations which have been created from time to time by executive order.

In the case of Minnesota these Indian reservations were not established by executive order because there was any express or direct specific statutory authority. They were made upon the grounds, first, that the President had the general power of withdrawal, and, second, that withdrawing lands for the benefit of the Indians was a public purpose.

Mr. President, if our public-land system is traced and studied from its early days down to the present time, it will be found that this power of withdrawing limited portions of the public land from disposal, sale, and entry has frequently been exercised by the President, and always when questioned in the courts been sustained. I can find no cases where a contrary doctrine has been held, except in a few cases of railroad grants, based upon the special terms of the grants, such as the case of the Northern Pacific.

This discretionary power of withdrawal, as I have said, has been repeatedly exercised by our Presidents, and whenever questioned in legal proceedings has always been sustained by the courts, and until recently has never been doubted or questioned by the executive department, and such questioning and doubt has arisen from the excessive blanket withdrawals to which I have referred.

My own opinion, therefore, Mr. President, is that the President has this general power of withdrawal; and I think this power of withdrawal can be exercised for water-power sites as well as for any other public purposes. Our laws must be interpreted in the light of the advances that our civilization has made. What was not a public purpose fifty, sixty, or seventy-five years ago is a public purpose now. In those old days a water power was developed simply by building a stone, earthen, and wooden dam over a stream and putting in a water wheel to turn an old-fashioned sawmill or an old-fashioned gristmill. The utilization of such power for electrical purposes was unknown and not conceived of. In these modern times, in recent years, it has developed that our water powers are most efficient instrumentalities to develop and generate electric power. To my mind these water powers are as worthy of conservation as our coal beds, and that reserving a water-power site on the public domain is a reservation for public use and for a public purpose.

I think in the light of modern discovery it is as important to reserve water powers for electrical purposes as it is to reserve coal lands and coal for public purposes, for you can generate electricity with water power as well as with coal, and much cheaper than with coal.

Without intending to criticize or reflect upon public officials, I think a mistake was made in the excessive amount of water-power withdrawals. If only so much land had been withdrawn as was necessary for the development and utilization of the water powers, I think no one would have questioned the right of withdrawal.

But out of this condition that arose out of the excessive withdrawals which occurred in the months of January and February, 1909, has come this demand for legislation. To my mind this bill limits and restricts the power of the executive department under existing law.

Mr. BORAH. Mr. President, I want to ask the Senator how can we limit the power of the Executive? If there exists in the Executive at the present time the power to suspend the operation of the land laws, he can suspend the operation of this law which we are passing.

Mr. NELSON. It is not an unlimited power of suspension we confer by this bill.

Mr. BORAH. If the homestead laws provide that a man may enter the agricultural land, and the President withdraws it and suspends the operation of that law, is it not a suspension of the homestead law?

Mr. NELSON. No; it is simply exercising a power that the President has to withdraw a limited amount of land from public entry for public use. The homestead law, by transfer from the preemption law of 1841, is subject to this reservation of power in the President.

This bill is narrower than the existing law. If I had my way about it, but the administration has a different view, I would much prefer to have no legislation at all than this bill, because it is more limited—restricted.

That the President may at any time, in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States and the Territory of Alaska, and reserve the same for water-power sites, irrigation, classification of lands—

And so forth, is more limited in scope than the existing law.

I also want to call your attention to another fact in the second section of the bill. Under existing mineral laws no man acquires any right in a mineral claim until there has been an exploration and discovery. There must be discovery to secure and hold a claim. This bill gives the oil and gas land claimants a right that they have never had and one that they do not have under existing law.

Let me read the language and I think the gentlemen who come from mining States will agree with me:

Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas-bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work.

Nothing can be clearer than that. No withdrawals under this bill can affect these coal and gas lands so long as claimants are engaged in the work of exploration, although they have made no discovery.

The bill contains this further provision:

And provided further, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas-bearing lands after any withdrawal of such lands made prior to the passage of this act.

Thus it is intended to leave the door perfectly open for those people who went on to oil lands in California that were withdrawn under the former administration. It leaves them exactly with the rights that they think they have under existing law.

Mr. FLINT. I wish to ask the Senator why he limits it to California. It is not limited to California as far as I know.

Mr. NELSON. No; it is general. I referred to California because it was people from California who appeared before our committee. That is why California was uppermost in my mind, and I hope the Senator from California will not take any offense at that. I am aware of the fact that the men who occupied those oil fields out there did so after the lands were withdrawn under the former administration. They question that withdrawal, and it is possible the courts may sustain them and hold that the withdrawals were illegal; but, whatever the law of the case may be, this bill does not attempt to interfere with it. It leaves them with their rights to be adjudicated just as though this bill never became a law. There is also an exception in favor of homestead settlers, as follows:

And provided further, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this act all lands which are, on the date of such withdrawal embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law.

This saves the right of these settlers.

The bill further provides:

But the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made.

To sum up, in my judgment this bill restricts and limits the power of the President as it is to-day rather than enlarges it as interpreted by the courts of the country.

In most of the cases to which I have referred you do not find in the statute the express direction that the President may withdraw the land for a military reservation or withdraw it for an Indian reservation or withdraw it for a naval reserve or an Indian agency. The withdrawals are made under the general power which has been conferred upon the President, beginning with the preemption act of 1830, where the general power of withdrawal was given to the President, continued in the preemption act of 1841, transposed into the homestead law and the stone and timber act, and included in the coal-land law.

The true criterion, I think, is that the President has the general power of withdrawal, but it must be for a well-defined public use or public purpose. There must be some public emergency or some public necessity that warrants the withdrawal.

In the cases of withdrawal I have cited you will find withdrawals in some instances of public lands where there was an attempt to secure the lands by fraud. The language in the statutes authorizing withdrawal by the President in the different acts is as follows: In the preemption act of 1830, "by order of the President;" in the preemption act of 1841, "by proclamation of the President;" in the Des Moines River land grant, "by competent authority;" in the California act, "by competent authority;" and in the coal-land law, "by competent authority;" and the term "competent authority" has been held by the courts to mean the President and those acting under his express or implied authority.

But, Mr. President, as I have already stated, while in my opinion the President has this power and even greater power than is conferred in this bill, I think it is a good plan, in view of the experiences we have had in recent years, that we put this power in direct and express statutory form rather than the common law of the courts, and limit it, as we propose to do in the bill. The administration is satisfied with it, and while I think it limits the power of the executive department as it has it to-day under the interpretation of the courts, yet if the administration charged with the disposal and the management of our public lands is satisfied with this legislation, I am ready to support it, and I am willing that such a law should be enacted. I can only say that I am somewhat surprised at the attitude of Senators who are opposing the bill on the ground that it confers a dangerous power. To my mind the bill limits the power of the President rather than expands it, and for that reason I can not see how any man who is in favor of the protection of our public lands and the conservation of them for specific public purposes can be opposed to it.

When we open large bodies of public lands to settlement, it occurs from time to time that the public exigencies require that certain pieces of land here, there, or elsewhere should be withdrawn for some specific public national purpose. If the President of the United States had not had this power and had not exercised it, we should, in many instances, have found ourselves deprived of lands for river and harbor improvements, for fortifications, for naval stations, for military stations, for Indian reservations and agencies, and for a variety of other public uses and purposes.

It is curious—and I hope the Senate will bear with me a little—to look at the genesis of our public-land system. Under the

first public-land law that Congress passed—I think in 1789 or somewhere about that time—providing for the survey and disposal of the public lands northwest of the Ohio River, we started out with the theory that it was our business to sell our public lands at public sale and get as much money out of them as possible. That continued to be our policy from year to year, and, barring a few grants of limited character, which were made to the officers and soldiers of the Revolutionary war and of the war of 1812, for years and years we proceeded on the theory of disposing of our public lands at public sale to the highest bidder. It was only gradually, Mr. President, that we came to adopt a wiser policy, under the preemption law, and, next, under the homestead law, when we reached the conclusion that our public lands should not be devoted to the mere purposes of bringing money into the Treasury, but that it was better to devote them to public purposes—for settlement, habitation, and cultivation—and thus have our country settled up.

The result of that system, first, under the preemption law of 1841, and, next, under that beneficent system, the homestead law of 1862, has been that the great West settled up and became, as it were, the heart and soul of this continent. The great States in the Mississippi Valley have grown up into a vast empire under the homestead law. I have been a pioneer in Wisconsin and Minnesota, and have participated in their wonderful growth and development. Had those States, in their early days, been put into such a strait-jacket as Alaska has been, they would be but feeble and partially developed Commonwealths to-day instead of the great States they now are.

Mr. President, there has been much agitation in the public press and on the platform in recent times in reference to so-called "conservation." I believe in reasonable and just conservation—in such a gospel—but there is a conservation that ties up our public lands and natural resources; there is a conservation which debars the public from the use of these resources and lands; and such conservation I regard as fatal and dangerous to the welfare of the public. There is another conservation, of which I am in favor, and that is that conservation that believes in utilizing our public resources in our day and generation—whether land, timber, water power, or mineral—to a reasonable degree, and preventing their passing into the hands of monopolies, and regulating, so far as we can by legislation, the conditions under which the public is to enjoy the benefit of them. To my mind that gospel that would tie up our public resources, merely put them in storage, and prevent this generation from utilizing them, is a most dangerous and pernicious gospel. To my mind the safe way and the judicious way is to utilize our natural resources in such a way that the present generation may derive some benefit from them.

Why, Mr. President, there will be water powers in abundance hundreds of years after you and I are dead. Water will continue to flow down the ravines and valleys of the Rocky Mountains and other parts of the country in the future as in the past. No man can stop that unless he stops the precipitation from the atmosphere in the shape of rain or snow. Those water powers are there. Let them be utilized. Why should they be tied up? Why should the public be prevented from using them? The water powers of New England are in active use and have been for generations. No water-power monopolies have so far afflicted them. Why should our supply of coal be tied up and the American people be prevented from utilizing it? Look at Alaska. I refer to Alaska, because, as you all know, Alaska has for many years been near and dear to my heart. I visited that country six or seven years ago and spent two months there. Except in what is called the Archipelago, south and east of the one hundred and forty-first meridian, there is a very limited supply of timber in Alaska. It is mostly stunted spruce, found in the valleys and between mountain ranges; little of it fit for merchantable lumber. Most of it fit only for miners' cabins, for mining purposes, and for indifferent and poor fuel. In the southern part of that country, bordering on the Gulf of Alaska in the Pacific Ocean, within 25 miles of the shore, are some valuable coal fields—bituminous, semibituminous, coking coal, and anthracite coal. There are thousands of acres and thousands of tons of it in the ground in the so-called Bering field. At the head of Cooks Inlet, 75 miles or so from the sea, is the even greater and more extensive Matanuska coal field of equal good quality. And yet the people of Alaska, with all this vast amount of coal in their midst, have not been permitted to use a ton of this coal, but have been obliged to import their coal from abroad. The miners, the railroad builders, and all the people of Alaska have had to import their supply of coal from British Columbia, from Vancouver Island, from Australia, from Japan, and from West Virginia and Pennsylvania by water around Cape Horn; and they have to pay for that coal from \$12 to \$20 per ton, when the

coal within their own borders, if they were permitted to mine and use it, could be obtained for from \$2 to \$3 per ton.

Mr. CLARK of Wyoming. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. NELSON. Yes; certainly.

Mr. CLARK of Wyoming. What is the cause of that condition? Did not Congress pass laws providing for the disposition of the coal in Alaska?

Mr. NELSON. Yes; three laws—the law of 1900, which extended the general coal-land laws to Alaska, but which was found of no value, as the general law only allowed surveyed lands to be located and entered, and there was no surveyed lands in Alaska; the law of 1904, and the law of 1908. These laws were extended only to those who had already made locations, and provided for the purchase of the coal land at \$10 per acre. A large share of these coal fields were put into a forest reserve several years ago, and all of the coal fields were withdrawn from location and entry in 1906 and have remained in that condition ever since, except as to those who had made locations prior to the withdrawal. And so it has come to pass that the timber is in reserve and the coal is in reserve, so that the people have to import their fuel from the outside. The wood must be bought from the forest ranger and the coal can not be got at all—not Alaska coal—at any price. The ground in Alaska freezes to a great depth—many feet—and only in the middle of the summer does it thaw a foot or two at the surface. Placer mining in Alaska consists in going through the tundra and black frozen muck beneath from 20 to 100 feet or more down to bed rock, where the gold is found. During early and primitive times the miners thawed out the holes by building fires from time to time. Now they use small steam engines, with which they steam out the holes and go through the muck down into bed rock, and they have to use coal for the engines, and even on the seacoast they have to pay from \$12 to \$20 a ton for coal, and in the interior much more, when it is right near their own doors, and they ought to be able to secure it for from \$2 to \$3 a ton. This is the condition I refer to. It is one of the incidents and results of conservation carried to excess—run riot, as it were.

Mr. DIXON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Montana?

Mr. NELSON. Certainly.

Mr. DIXON. Are there any patented coal claims in Alaska at all?

Mr. NELSON. I do not think there is a single patented claim. It is possible there may be one or two; not any more.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. SMOOT. As the Senator from Minnesota knows, of course, if it were in a forest reserve, and not withdrawn for any other purpose, they could go on and develop coal. I suppose the land has been withdrawn so as to classify it.

Mr. NELSON. It was withdrawn away back in 1906 from entry under the coal-land laws.

Mr. SMOOT. For the purpose of classification.

Mr. NELSON. There was a double withdrawal—a withdrawal for forestry purposes, and on top of that a withdrawal from entry under the coal-land laws; no, not for classification, as under Alaska coal-land law there was no occasion for that. The price was \$10 per acre.

Mr. SMOOT. Until it was classified, and a provision—

Mr. NELSON. There was nothing of that kind. It was done on general principles. The price was a flat one of \$10 per acre, so there was no need for classification.

Mr. President, I refer to these matters to illustrate and point out the Alaska kind of conservation. I am in favor of a reasonable and safe land policy. I believe in conservation of our natural resources—coal, gas, oil, forests, and everything else—but I think this conservation should be carried on in such a way that the present generation would have some benefit and some advantage from it.

What do you think of a conservation like that in Alaska, where the people have first-class coal right at their very doors, within 25 miles of the ocean, within 50 or 60 miles of a 100-mile railroad, and can not take a spoonful of that coal, but have to import their coal from Australia, from Japan, from Vancouver Island, from British Columbia, and some of it clear around from Pennsylvania, by way of Cape Horn? That is the kind of conservation I am not in favor of.

I have great faith in the future of Alaska. There are many valleys there in the interior of the country—the Tanana Valley, the Copper River Valley, and some other valleys—that have considerable lands fit for agricultural purposes. The ordinary garden vegetables, including potatoes, grow there prolifically; currants and strawberries grow there; oats and barley will grow and ripen; the grasses will grow there—that is, timothy and red top will grow there. I am not prepared to say that that is true as to clover, however, except in the southern part.

We have not even had the lands in Alaska surveyed. The Appropriations Committee have been good enough, on the recommendation of the Committee on Public Lands, to put in a small appropriation of \$100,000 for the survey of the public lands in Alaska. People can not take a homestead or any kind of a claim there unless they themselves have it surveyed. They must send for and get a deputy United States surveyor. The wages and cost of provisions are enormous in that country. After the deputy surveyor has made a survey, the plat and field notes must be sent to the surveyor-general at Juneau for approval by him. It takes from six months to a year, on account of climate and enormous distances, before any man can get a piece of land in Alaska surveyed so that he can enter and secure title to the same, and the expense is enormous—so heavy that the ordinary homesteader can not bear it.

Mr. CHAMBERLAIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. NELSON. Certainly.

Mr. CHAMBERLAIN. I should like to ask the Senator if it can be inferred from what he says that he favors the abandonment of the reservations which have already been made in Alaska?

Mr. NELSON. I would certainly abandon the idea of tying up all the coal lands.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Certainly.

Mr. NEWLANDS. I understood the Senator to say that he was in favor of conservation, but not the kind of conservation that would prevent immediate development. Has the Senator ever heard of a declaration from anybody representing the conservation movement to the effect that immediate development should not be prosecuted? On the contrary, has it not been the urgent demand of the entire conservation movement that the land laws should be so shaped as to meet the economic requirements of the country with a view to the immediate development of the natural resources of the country and their immediate utilization by the present generation?

Mr. NELSON. In reply to that, I want to say that perhaps that has been the case on the rostrum. We know how prone people are to say good things on the stump or on the platform; but we must judge them not by the fine articles they write in the newspapers, not by the fine speeches they make at conventions, and all that, but we must judge them by their acts and the results, and, judging them by that standard, I think their acts do not always comport with their public declarations.

Mr. NEWLANDS. Mr. President, if the Senator will permit me—

Mr. NELSON. Mr. President, I am not attempting to criticize anybody. I refer to this situation because ever since I made the trip to Alaska, seven years ago, my heart has gone out to that country, that great empire, 590,000 square miles. It has made me sad to see that great empire tied up as it has been in recent years, with no public lands surveyed, none of their coal available for use, and the miners prevented in many instances from using timber except they pay for it, even for their little log cabins, for fuel, and for mining purposes. In some of the little interior valleys in Alaska you will find spruce trees from 10 to 20 feet high and from 6 to 10 inches thick at the butt. They are just fairly big enough, so that the miners can use them for the construction of their small log cabins and for mining purposes. Little, if any, of this timber is fit for merchantable lumber.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield further to the Senator from Nevada?

Mr. NELSON. Certainly.

Mr. NEWLANDS. Mr. President, I have already stated my view, that I am in favor of making such wise land laws as will keep the natural resources of the country out of the hands of monopolies and aid in the immediate development of the natural resources for present and future generations. I want to ask the Senator whether he does not agree with me, that

the land laws now upon the statute books are misfit land laws; whether he does not believe that the laws relating to the entry of coal lands and the laws relating to the entry of timber lands should be changed; whether he has not been an advocate of that; and whether he does not believe that in the past vast areas of timber lands and vast areas of coal lands have fallen into the hands of monopolists, simply because our laws were either evaded or were not shaped in such a way as to prevent oppression of this kind. I will ask the Senator, further, whether Mr. Roosevelt did not for years urge the amendment of those land laws; whether the land commission appointed by him did not urge the amendment of those land laws; whether those land laws do not stand upon the statute books substantially as they did at the time that Mr. Roosevelt commenced this agitation; and whether the difficulty does not lie with Congress in not passing laws fitting the economic requirements of the country, instead of the blame resting upon executive officers who have endeavored to save the natural resources of the country from monopoly and spoliation.

Mr. NELSON. Mr. President, I would call the Senator's attention to the fact that the coal-land laws as now interpreted and applied by the department, and the stone and timber act as interpreted and applied by the department, and as they have been applied for the last two years or more, give us better results and seem to afford ample protection to the public. The general coal-land law fixes the price at not less than \$20 an acre if within 15 miles of a railroad, and if more than 15 miles at not less than \$10 an acre. Until within the last two or three years the department held that price to be a flat price—a fixed maximum price—and sold the lands at those figures; but since that time the department has classified and appraised those lands on the basis of the coal found therein, and is now, and for the last two years or so has been, selling those coal lands at such appraised value—a value in most instances far in excess of the minimum price fixed in the statute—a value in some instances as high as \$200 and even more per acre. The aim of the department has been to appraise these lands at such a figure that those who desire to immediately operate and develop could afford to buy, but that those who merely wanted to buy and hold for speculation could not afford to do so, for the figures would be too high for that purpose.

Exactly the same policy has been pursued under the stone and timber act. That law prescribed a minimum price of \$2.50 an acre. Until within two years last past that price was also treated as the maximum price, and large bodies of valuable timber lands have been acquired at only \$2.50 an acre. Five or six years ago the Senate passed a bill to repeal that law, but it failed to pass at the other end of the Capitol.

But now, since the Government has adopted this new policy of appraising the timber on the land and selling it at its appraised value—always more than the minimum price of \$2.50 an acre—the necessity for the repeal is not so urgent, for only those who really want the timber for lumbering purposes can afford to pay the appraised price. The mere speculator can not afford to buy and hold at that price.

Mr. CHAMBERLAIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. NELSON. I yield to the Senator.

Mr. CHAMBERLAIN. I know the Senator has given this matter a great deal of consideration, and he knows as much about it probably as any man in the Senate. So I should like to ask him if he can tell the Senate what is the highest price per acre that has been paid either for coal land or for timber land in Alaska.

Mr. NELSON. Thirty-three claims only of coal land have been sold, at \$10 per acre, the price fixed by statute.

Mr. CHAMBERLAIN. For what has been sold?

Mr. NELSON. There has been no timber land sold in Alaska—not a single acre, so far as I know.

The coal-land laws that apply to Alaska are different from the general coal-land laws. In the Alaska laws there is a flat price at \$10 per acre, and while 33 coal-land entries have been made in Alaska none of them have gone to patent.

Mr. CHAMBERLAIN. Mr. President, has that not been rather because protest has been made against the patenting of any of those lands?

Mr. NELSON. Yes. There are 33 cases where entries were made, but they have been in controversy and are in controversy now. Outside of those 33 cases, there are between 800 and 900 locations that have been made, but none of them have gone to entry. A location, as the Senator knows, is distinct from an entry.

Mr. CHAMBERLAIN. I should like to ask the Senator if he knows of any case in Alaska where coal land or timber land has been offered for sale at the actual price.

Mr. NELSON. No timber lands, as far as I know, have been sold, and only 33 claims of coal lands have been entered and purchased.

The coal lands except as stated have not been sold and, except as to locations made prior to 1906, all coal lands have been withdrawn from entry and sale since 1906. And the timber lands could not well be sold because no lands in Alaska have been surveyed. Homesteads can be taken if the homesteader will have it surveyed at his own expense. There is also a law under which trading stations may be located on the coast, but in all those cases the man who wants a piece of land must go to the expense and trouble of having a survey made in the first instance.

Mr. CHAMBERLAIN. I should like to ask the Senator one more question.

Mr. NELSON. Certainly.

Mr. CHAMBERLAIN. I should like to ask the Senator if he favors the entire abandonment of the withdrawal policy in Alaska, and if he does—

Mr. NELSON. No; I am in favor of reasonable withdrawals. I believe the President should have the right to make withdrawals; but it should be exercised within reasonable limits. All coal lands in Alaska have been withdrawn for nearly four years. That is an intolerable embargo.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Certainly.

Mr. NEWLANDS. May I ask the Senator whether he favors any change in the existing laws regarding the entry of coal and timber land?

Mr. NELSON. Legislation is certainly needed for Alaska. The condition as it is to-day is utterly intolerable.

Now, coming to the coal lands in this country, the Senator knows there are two theories here. One theory is that we ought to lease them and the other theory is that we ought to sell them. Under the present system of appraisal that has recently been adopted by the Interior Department, and which is in vogue to-day, the coal land is sold at its fair value, at the actual value of the coal in the ground, after an estimate has been made of the coal in the ground.

The question whether it is wiser to sell the coal lands for their real and substantial value or to lease them is, indeed, a debatable question. If we lease them, it will be necessary to have mine inspectors; to have a force of men to look after the amount of coal taken out, to see that there is no loss or damage, and to ascertain from time to time how much is due us, and all that, involving great and expensive machinery. The question is, and that is the question for Congress to determine, which is the wiser, to lease the lands at a rental or royalty or sell them for their fair value.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. Certainly.

Mr. SMOOT. In justice to the present administration, I thought it ought to be said that they are in favor of laws regulating the disposal of coal in Alaska and also in this country, and there are bills in that behalf now before the subcommittee of the Committee on Public Lands, but it has been impossible for that committee to consider them at this session of Congress. I only want to say that the almost intolerable condition of things in Alaska is due more to the lack of legislation than to any laws that are now upon the statute books.

Mr. CLARK of Wyoming. May I ask the Senator for information whether or not the coal lands of Alaska have been included in any withdrawal?

Mr. NELSON. Yes, sir.

Mr. CLARK of Wyoming. All of them?

Mr. NELSON. Yes; practically all workable coal fields. There are coal fields that have been but partially explored along the Yukon and some interior points that perhaps are not included in the withdrawals, but my impression and recollection is that all coal fields are withdrawn.

Mr. CLARK of Wyoming. May I ask the Senator further, did not Congress, within very recent years, legislate in regard to the manner in which titles to those lands could be acquired; and did not that legislation follow the visit of the Senator from Minnesota and other Senators to the ground itself?

Mr. NELSON. Oh, we have passed two—yes, three coal-land laws. The history of legislation as to coal lands in Alaska is peculiar.

Mr. CLARK of Wyoming. I am asking for information.

Mr. NELSON. Yes. The public-land laws originally did not apply to Alaska. But in 1900, by an act, the general coal-land laws were extended to Alaska, but that act was of no

value, because under the general coal-land laws only surveyed lands could be located and entered, and there were no surveyed lands in Alaska. The poor fellows under that law tried to locate coal lands as under the mineral law, which, of course, proved abortive. Congress passed another coal-land act in 1904, allowing those who had made locations before that time to enter 160 acres each at \$10 per acre. Under this act the entries and locations, to which I have already referred and described, were made. Finally in 1908 another law was passed, but still limited to locations made before its passage, by which locators could consolidate their claims and form an association that could enter 2,560 acres.

Mr. SUTHERLAND. Twenty-five hundred and sixty acres. Mr. NELSON. Twenty-five hundred and sixty acres. But, unfortunately, in that law there was a rigid antitrust provision in section 3—more rigid than the antitrust law of 1890. This antitrust provision was so harsh and rigid that no one would enter coal land under this law, for no money could be raised, even on bonds and mortgages, for the development and operation of the coal beds. The expense of opening, developing, and operating a mine is so great that few, if any, could carry on the work without borrowing money. For these reasons no entries have been made under this law of 1908. The price under this law was the same as under the act of 1904—\$10 per acre.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Certainly.

Mr. NEWLANDS. I agree with the Senator from Minnesota that there is a most unfortunate deadlock in Alaska, a deadlock that ought to be broken—

Mr. NELSON. Yes.

Mr. NEWLANDS (continuing). In order that the resources of that country may be developed.

Mr. NELSON. Yes.

Mr. NEWLANDS. But I think the Senator will agree with me that the responsibility does not altogether attach to the executive department, as his remarks thus far would seem to imply.

Mr. NELSON. If the Senator will allow me, I think Congress is to blame to some extent. I am not criticising any particular Senator or class of Senators. I think we are all more or less guilty. We have been the worst kind of step-fathers to Alaska—all of us.

Mr. NEWLANDS. I was sure the Senator would state that, because I know that he has been one of the foremost friends of reform in the land laws of the United States, and that his well-meant efforts have failed of success because of inertia and opposition elsewhere.

But I think perhaps an unfair inference would be drawn from what the Senator has thus far said, and that is that this deadlock in Alaska is due to the unwarranted and unwise action of the executive department in the last administration and this administration, whereas I think the Senator will agree with me that we have upon the statute books a number of misfit land laws that ought to be changed; that under those land laws a single man in the Senator's own State has been able to acquire 1,000,000 acres of timber lands in the West, when Congress in passing the laws upon the subject clearly intended that no man should get more than 160 acres.

The Senator realizes, also, that vast deposits of coal in Colorado and other States have gone into the possession and control of great trusts and combinations, and are monopolized, whereas Congress intended to prevent such combinations altogether when it passed the laws.

Mr. HUGHES. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Yes.

Mr. HUGHES. I should like the Senator from Nevada either to withdraw the statement made about Colorado or to specify the monopoly to which he refers.

Mr. NEWLANDS. I will specify.

Mr. HUGHES. It is an unjust assertion as now made and wholly unwarranted by the facts.

Mr. NEWLANDS. I will specify later on.

Mr. HUGHES. Why not do it now?

Mr. NELSON. I want to suggest one thing—

The VICE-PRESIDENT. The Senator from Minnesota desires to interrupt the Senator from Nevada.

Mr. NEWLANDS. Will the Senator from Minnesota allow me to complete my sentence?

Mr. NELSON. I want to suggest just one thing, which may help the Senator from Nevada. Is the Senator aware of the

fact that the person he refers to as having secured such a large quantity of pine land in California and other western States is now one of the most radical and energetic apostles of conservation, publishing articles in the newspapers and in the magazines? He out-Herods Herod on conservation.

Mr. NEWLANDS. If that is so I am delighted to hear of his conversion. But I wish to call the attention of the Senator to the fact that vast areas of public land have gone into the ownership of single corporations and individuals, though the plain intent of Congress in passing these laws was to prevent combinations and monopoly.

The executive department has been confronted with that situation—misfit land laws—the intent of Congress with reference to the execution of which had been negated, and it has endeavored to save the public domain under a power which the Senator admits exists, with a view simply to preserving it until legislation could be secured. The Senator will bear me out in the fact that this legislation was not only recommended by Mr. Roosevelt and the Land Commission, but has also been recommended by President Taft himself and by Secretary Ballinger, and the recommendations of the latter Secretary equal in the severity of their requirements any of the recommendations that were made during Mr. Roosevelt's administration.

Is it not unfair, then, to charge this entire condition of things upon the executive department, when it appears that Congress itself has failed in its great duty of providing adequate laws for the proper conduct of the public domain?

With respect to the statement of the Senator from Colorado, that he was not satisfied with the statement I made with reference to the combination of the great areas under one control in Colorado, and his request that I specify—

Mr. HUGHES. That is not exactly the statement of the Senator to which I objected.

Mr. NEWLANDS. It was not?

Mr. HUGHES. He is modifying now a very sweeping and, as I maintain, an unwarranted reflection upon a State, which, I understand, under the rules of the Senate, is always forbidden.

Mr. NEWLANDS. I can not recall the exact form of the utterance I made which has brought upon me the Senator's animadversion, but my statement is this, and I do not think my former statement varies from it, that in the State of Colorado large areas of the public domain, containing deposits of coal, have come under the control of one combination there, whereas it was clearly the intent of the land laws and purely the intent of Congress in legislating upon the entire public domain that large areas of land should not be absorbed under one control.

Now, as to the corporation to which I refer—

Mr. NELSON. Mr. President—

Mr. NEWLANDS (continuing). I will state that it is the Colorado Fuel and Iron Company, and when I refer to that company I cast no discredit upon that State. I assume—

Mr. NELSON. If it is agreeable to the Senator from Nevada, I should like to proceed a little further.

The VICE-PRESIDENT. The Senator from Minnesota is demanding the floor. He yielded to the Senator from Nevada.

Mr. NEWLANDS. I beg the Senator's pardon. Does the Senator from Minnesota wish the floor?

The VICE-PRESIDENT. The Senator from Minnesota is demanding the floor. The Senator from Minnesota yielded to the Senator from Nevada, and the Senator from Nevada must surrender the floor to the Senator from Minnesota.

Mr. NEWLANDS. I will ask the Senator from Minnesota if he will not surrender the floor for the purpose of allowing me to complete my sentence regarding Colorado?

Mr. NELSON. I will by and by surrender the floor wholly, but I want to suggest one thing to the Senator. He can avoid personalities by not referring to States. Alaska is a sort of no man's land. We can discuss that without provoking any bad feeling in the Senate.

Mr. NEWLANDS. If the Senator will permit me, I might explain—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NEWLANDS. I again disclaim—

The VICE-PRESIDENT. The Senator from Minnesota has not said whether he would or would not yield.

Mr. NELSON. I shall soon yield the floor, and then the Senator from Nevada can continue. I have occupied the floor much longer than I intended.

I wish to say, in conclusion, that in anything I have said I have not intended to reflect upon either the present or the former administration. I think Congress is as much at fault in these matters as the executive departments.

I desire to say, further, that, to my mind, the coal-land laws as now interpreted and applied by the department as to the States and Territories, outside of Alaska, by which there is an appraisal of the coal in every acre of land before it is sold, and making the purchasers pay the appraised value of the coal lands, works well and does no injustice to the Government. The price is, by the appraisal, put at such a figure that those who want to purchase for immediate development can afford to buy at that price, while the price is too high for those who merely want to buy for holding for speculation.

This system—and it seems to me a good one—was initiated by the former administration, and is carried out by the present one. Exactly the same system has been adopted with reference to the entries under the stone and timber act. The minimum price there is \$2.50 an acre. In times past the Land Department treated that as the maximum price and sold the land. Now they appraise the land, and whoever gets land under the stone and timber act has now to pay for the value of the timber.

One of the best suggestions I have heard in reference to the coal lands in Alaska was this, and it came from one of the experts of the Government. He said, "Why not apply the same principle to Alaska coal as we do now in the States? Change that Alaska law so that instead of having a fixed flat price of \$10 an acre make a minimum price of \$5 an acre, and then we can go and appraise as we now do in the States, and thus secure a fair price for the land, the appraised value based upon the quantity and value of the coal." Alaska needs help. First of all the lands should be surveyed, at least the coal and agricultural lands, and then they need a fair and workable coal-land law, under which they can secure coal lands at a fair and reasonable price and in such quantity that development can take place. It is a crying shame that Alaska can not use her own coal, but must import it from the outside at exorbitant prices.

Alaska is a great country—rich in natural resources. We owe the people who have gone there and who intend to go there a duty, and we ought to discharge that duty promptly and intelligently in order to develop that country.

In conclusion, coming back to this bill, as I said at the outset, while I think under existing laws, as interpreted by the Supreme Court of the United States, the President has ample power of withdrawal, broader and more comprehensive than is given him in the present bill, yet, owing to the fact that his power has recently been questioned and become mooted, and inasmuch as the President feels that the doubt should be settled by express and direct statute, I think we ought to pass this bill. To my mind this bill diminishes rather than enlarges the power of the executive department, and therefore it seems to me it ought not to encounter opposition except from extreme and ultraconservationists. I therefore trust that all friends of moderate and reasonable conservation, of whatsoever shade or character they may be, will support this bill and help pass it. I think the effect of it will be wholesome, and it will serve to put at rest controversies about withdrawals and put true conservation on a reasonable basis.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, June 7, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 6, 1910.

COLLECTORS OF CUSTOMS.

Charles T. Stanton, of Connecticut, to be collector of customs for the district of Stonington, in the State of Connecticut. (Reappointment.)

Charles A. Barbour, of Rhode Island, to be collector of customs for the district of Bristol and Warren, in the State of Rhode Island. (Reappointment.)

John M. Vogell, of Maine, to be collector of customs for the district of Castine, in the State of Maine. (Reappointment.)

ASSISTANT SECRETARY OF THE TREASURY.

A. Platt Andrew, of Massachusetts, to be Assistant Secretary of the Treasury in place of Charles D. Norton, resigned.

CHIEF OF THE BUREAU OF INSULAR AFFAIRS.

Brig. Gen. Clarence R. Edwards, Chief of the Bureau of Insular Affairs of the War Department, for reappointment as chief of said bureau for the period of four years beginning June 30, 1910, with the rank of brigadier-general from June 30, 1906.

APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

Col. William H. Bixby, Corps of Engineers, to be Chief of Engineers, with the rank of brigadier-general, from June 12, 1910, vice Brig. Gen. William L. Marshall, to be retired from active service.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 3, 1910.

Horace Maxey Roberson, of Missouri.
Sanford Williams French, of New York.
John Roy McKnight, of Pennsylvania.

The following-named first lieutenants of the Medical Reserve Corps for appointment as first lieutenants in the Medical Corps of the Army of the United States, with rank in each case from the date specified after the officer's name:

Albert Sidney Bowen, April 15, 1910, vice Capt. Irving W. Rand, promoted April 23, 1908.

Ernest Robert Gentry, April 16, 1910, vice Capt. Powell C. Fauntleroy, promoted April 23, 1908.

Roy Cleveland Hefebower, April 17, 1910, vice Capt. James S. Wilson, promoted April 23, 1908.

George Martin Edwards, April 18, 1910, vice Capt. Basil H. Dutcher, promoted April 23, 1908.

George Burgess Foster, jr., April 19, 1910, vice Capt. Leigh A. Fuller, promoted April 23, 1908.

Joseph Casper, April 20, 1910, vice Capt. George A. Skinner, promoted April 23, 1908.

Henry Beunwkes, April 21, 1910, vice Capt. Carl R. Darnall, promoted April 23, 1908.

Edward Murray Welles, jr., April 22, 1910, vice Capt. Henry Page, promoted April 23, 1908.

Condon Carlton McCornack, April 23, 1910, vice Capt. Bailey K. Ashford, promoted April 23, 1908.

William Henry Thearle, April 24, 1910, vice Capt. Henry A. Webber, promoted April 23, 1908.

Glenn Irving Jones, April 25, 1910, vice Capt. Jere B. Clayton, promoted April 23, 1908.

George William Cook, April 26, 1910, vice Capt. Weston P. Chamberlain, promoted April 23, 1908.

Charles Carroll Demmer, April 27, 1910, vice Capt. Edward R. Schreiner, promoted April 23, 1908.

Charles Tomlinson King, April 28, 1910, vice Capt. Ira A. Shimer, promoted April 23, 1908.

Thomas Holland Johnson, April 29, 1910, vice Capt. Frederick M. Hartsock, promoted April 23, 1908.

William Herschel Allen, April 30, 1910, vice Capt. Douglas F. Duval, promoted April 23, 1908.

Larry Benjamin McAfee, May 1, 1910, vice Capt. Clarence J. Manly, promoted April 23, 1908.

Adam Edward Schlanser, May 2, 1910, vice Capt. David Baker, promoted April 23, 1908.

Carl Edward Holmberg, May 3, 1910, vice Capt. Albert E. Truby, promoted May 1, 1908.

John Pierpont Fletcher, May 4, 1910, vice Capt. James R. Church, promoted May 1, 1908.

Joseph Edward Bastion, May 5, 1910, vice Capt. Joseph H. Ford, promoted May 20, 1908.

Thomas Dupuy Woodson, May 6, 1910, vice First Lieut. Samuel T. Weirick, retired from active service June 18, 1908.

Alexander Taylor Cooper, May 7, 1910, vice Capt. Percy M. Ashburn, promoted June 24, 1908.

John Thomas Aydelotte, May 8, 1910, vice Capt. Cary A. Snoddy, honorably discharged August 21, 1908.

Taylor Edwin Darby, May 9, 1910, vice First Lieut. James Reagles, retired from active service September 12, 1908.

Thomas Collins Austin, May 10, 1910, vice First Lieut. Francis A. Halliday, retired from active service September 13, 1908.

Mark Dye Weed, May 11, 1910, vice Capt. Edmund D. Shortlidge, resigned September 15, 1908.

Edward Dunster Kremers, May 12, 1910, vice Capt. Stanley G. Zinke, honorably discharged November 7, 1908.

William Browne Carr, May 13, 1910, vice Capt. Elmer A. Dean, promoted December 4, 1908.

Charles Walter Haverkamp, May 14, 1910, vice Capt. Francis M. C. Usher, promoted December 12, 1908.

Harry Reber Beery, May 15, 1910, to fill an original vacancy.
James Rudolph Mount, May 16, 1910, to fill an original vacancy.

Royal Reynolds, May 17, 1910, to fill an original vacancy.
James Shelton Fox, May 18, 1910, to fill an original vacancy.
Felix Robertson Hill, May 19, 1910, to fill an original vacancy.
Ralph Godwin De Voe, May 20, 1910, to fill an original vacancy.

Wayne Hector Crum, May 21, 1910, to fill an original vacancy.
John Anson Burket, May 22, 1910, to fill an original vacancy.
Wibb Earl Cooper, May 23, 1910, to fill an original vacancy.
Thomas Ludlow Ferenbaugh, May 24, 1910, to fill an original vacancy.

William Lloyd Sheep, May 25, 1910, to fill an original vacancy.

Edgar Clyde Jones, May 26, 1910, to fill an original vacancy.
Arthur Osman Davis, May 27, 1910, to fill an original vacancy.
Floyd Kramer, May 28, 1910, to fill an original vacancy.

Edward Leroy Napier, May 29, 1910, to fill an original vacancy.

Owen Chester Fisk, May 30, 1910, vice Capt. Willard F. Truby, promoted January 1, 1909.

Robert Ward Holmes, May 31, 1910, vice Capt. Frederick F. Russell, promoted January 1, 1909.

Howard Andrew Knox, June 1, 1910, vice Capt. Edwin P. Wolfe, promoted January 1, 1909.

Harry Blaine Etter, June 2, 1910, vice Capt. Henry S. Greenleaf, promoted January 1, 1909.

William Cole Davis, June 3, 1910, vice Capt. Louis P. Hess, promoted January 1, 1909.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Herbert E. Kays, to be a lieutenant in the navy from the 31st day of January, 1910, to fill a vacancy existing in that grade on that date.

Lieut. (Junior Grade) Isaac C. Johnson, jr., to be a lieutenant in the navy from the 10th day of March, 1910, vice Lieut. James R. Combs, retired.

Ensigns Herbert E. Kays and James S. Woods to be lieutenants (junior grade) in the navy from the 31st day of January, 1910, upon the completion of three years' service in present grade.

George W. Martin, a citizen of Massachusetts, to be a second lieutenant in the Marine Corps from the 2d day of June, 1910, to fill a vacancy existing in that grade on that date.

Boatswain Allen T. Webb to be a chief boatswain in the navy from the 30th day of July, 1909, upon the completion of six years' service in present grade.

Boatswains Patrick J. Kenney and Frederick W. Metters to be chief boatswains in the navy from the 16th day of May, 1910, upon the completion of six years' service in present grade.

Gunners Ernest Kellenberger and Augustus Anderson to be chief gunners in the navy from the 25th day of May, 1910, upon the completion of six years' service in present grade.

Machinist Fred W. Cobb to be a chief machinist in the navy from the 28th day of March, 1910, upon the completion of six years' service in present grade.

POSTMASTER.

George J. Kispert to be postmaster at Jefferson, Wis., in place of George J. Kispert. Incumbent's commission expired February 27, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 6, 1910.

SURVEYOR OF CUSTOMS.

William B. Turman to be surveyor of customs for the port of Nashville, in the State of Tennessee.

UNITED STATES DISTRICT JUDGE.

Gordon Russell to be United States district judge for the eastern district of Texas.

UNITED STATES MARSHAL.

Dupont B. Lyon to be United States marshal for the eastern district of Texas.

PROMOTIONS IN THE NAVY.

Lieut. Clarence S. Kempff to be a lieutenant-commander.
Lieut. Wilbur G. Briggs to be a lieutenant-commander.
The following-named lieutenants (junior grade) to be lieutenants:

Royal E. Ingersoll,
Louis C. Farley,

Robert L. Irvine,
Turner F. Caldwell,
Walter B. Woodson, and
Gerald Howze.

The following-named ensigns to be lieutenants (junior grade):

Royal E. Ingersoll,
Louis C. Farley,
Robert L. Irvine,
Turner F. Caldwell,
Walter B. Woodson,
Gerald Howze,
John M. Poole, third,
Anthony J. James,
Hugh Brown,
Vaughn K. Coman, and
William P. Gaddis.

Lieut. (Junior Grade) Lucian Minor to be a lieutenant.
Boatswains Frederick Meyer and Charles F. Pime to be chief boatswains.

Boatswain Peter Emery to be a chief boatswain.

Carpenters Walter R. Donaldson and Arno W. Jones to be chief carpenters.

Machinist George Crofton to be a chief machinist.

POSTMASTERS.

ILLINOIS.

George D. Palmer, at Galva, Ill.

MISSOURI.

Alexander F. Karbe, at Neosho, Mo.

NEW YORK.

John H. Broad, at Morrisville, N. Y.

M. Emma Ferris, at Lima, N. Y.

Charles Herbert Rich, at Cattaraugus, N. Y.

OHIO.

William Bowen, at Louisville, Ohio.

George H. Clark, at Canton, Ohio.

Edward L. Downer, at Archbold, Ohio.

Albert W. McCune, at Bradford, Ohio.

Gilbert D. McIntyre, at Orrville, Ohio.

Edwin Morgan, at Alliance, Ohio.

Robert L. Moore, at Cuyahoga Falls, Ohio.

Charles W. Searls, at Madison, Ohio.

Onesimus P. Shaffer, at Youngstown, Ohio.

Adelbert E. Shattuck, at Wellston, Ohio.

Samuel S. Stewart, at Columbiana, Ohio.

Frank F. Talley, at New Richmond, Ohio.

Henry D. Weaver, at Leetonia, Ohio.

S. C. Wright, at Cedarville, Ohio.

OREGON.

James T. Brown, at Pendleton, Oreg.

VIRGINIA.

J. N. Coffman, at Edinburg, Va.

Walter S. Hunter, at Basic City, Va.

HOUSE OF REPRESENTATIVES.

Monday, June 6, 1910.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

GRANTING PUBLIC LANDS TO CITIES FOR PARK PURPOSES.

The first business on the Unanimous Consent Calendar was the bill (H. R. 24416) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for sanitary and park purposes," approved September 30, 1890 (26 Stats., p. 502).

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress approved September 30, 1890, entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes" (26 Stats., p. 502), be, and the same is hereby, amended to read as follows: "That incorporated cities and towns shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase